

THE RUSSIAN NAVAL DISASTER CONFIRMED

OVERWHELMING GRIEF OF CZAR

Cruiser Bayan Crippled By the Japanese Fire.

(ASSOCIATED PRESS CABLEGRAMS.)

ST. PETERSBURG, April 13.—The Russian battleship Petropavlovsk has been sunk during an attack by the Japanese upon Port Arthur. She struck a mine and turned turtle and sunk immediately. Eight hundred and six men were drowned, including Admiral Makarov, the Russian commander of the fleet. The Grand Duke Cyril was wounded. Five of the battleship's officers and thirty-five men were saved.

A battle is now in progress between the Russian squadron and a Japanese fleet of forty vessels.

Admiral Rojostvensky will probably succeed Admiral Makarov. Prince Outskomsky is in temporary command of the Russian fleet.

ST. PETERSBURG, April 14.—The loss of the battleship Petropavlovsk and the death of Admiral Makarov and 600 men is a terrible blow to the Russian people. The Emperor is overwhelmed and there is general mourning. It is believed that the Grand Duke Cyril is seriously injured. The Kaiser and King Victor Emmanuel have sent condolences to the Czar.

CRUISER BAYAN CRIPPLED.

WEL-HAI-WEI, April 14.—The Japanese fleet bombarded Port Arthur for fifteen minutes. The forts did not reply. The Russian cruiser Bayan has been crippled.

AFTERNOON REPORT.

WIJU, April 13.—The Japanese army has repulsed the Russians at the Yalu.

The death of Vice-Admiral Stephan Osipovich Makarov, removes from the theater of war one of the most striking of the Russian leaders, a man of ability, energy, and bravery who is honored by every Russian as one of the great heroes of the country. For forty years and more he had served in the Russian navy. Year after year he added to his reputation until it was such that no other commanding officer in the entire navy was held in such high esteem as he. He was the "Fighting Bob" of the Russian bluejackets. A magnificent beard gave him a ferocious and commanding appearance and European writers have stated that he could get more out of any sailor than any other naval leader. He had just rounded out fifty-six years of a very active life.

Makarov had been in active service since 1864 and his promotions in almost every instance were due, not to seniority, but to distinguished achievement. Thus he served as an ensign but two years, from 1877 to 1880, as lieutenant but six years, and he was already an officer in his last Russo-Turkish war when he was in command of the gunboat with which he was killed.

the boat and its equipment with torpedoes of small size for sudden attacks upon Turkish harbors was Makarov's own. The campaign won him advancement to lieutenant-captain and captain of the second rank; he was honored with the orders of St. Vladimir and St. George, a sword of gold and the title of flag-adjutant to the late Emperor Alexander II.

In 1881 he commanded the cruiser Taman, station guardship of the Russian embassy at Constantinople, enabling him to make a minute study of the defenses of the Bosphorus. The next two years were spent as chief-of-staff of the offensive squadron in the Baltic, with Admiral Chihacheff, then Minister of the Navy, and at present member of the Council of the Empire, commanding.

From 1891 to 1894 Makarov, ranking counter admiral and inspector-in-chief of naval artillery, was engaged in improvements of ordnance. To him the Russian navy owed a large number of little inventions, among them the so-called cap-guns, possessing 20 per cent greater power of penetration into the newest superimposed armor.

Admiral Makarov succeeded Vice-Admiral Starck in command of the Russian fleet at Port Arthur after the latter had succeeded in having a majority of the vessels crippled by the Japanese.

GRAND DUKE CYRIL.

The Grand Duke Cyril, reported wounded in the naval disaster at Port Arthur, is a cousin of the Czar. He is the eldest son of the Grand Duke Vladimir, an uncle of the Czar. He is a member of the Grand Duke Boris who visited Honolulu about a year ago while making a tour of the world. The wounded prince is twenty-seven years old.

Midshipman Ward, who was killed in the sinking of the Missouri, was a classmate of Paul Neumann, a classmate of the late Paul Neumann, who was killed in the sinking of the Missouri.



RUSSIAN BATTLESHIP PETROPAVLOVSK WHICH TURNED TURTLE OFF PORT ARTHUR.

The Russian battleship Petropavlovsk was built in 1894. She was a sister vessel to the battleships Sevastopol and Poltava, which belong to the same general type as the British battleship Royal Sovereign. She was of 11,000 tons, 367 feet in length, sixty-nine feet beam, twenty-seven feet depth, and her ordinary complement consisted of 750 men, probably greatly increased in numbers during war time. She carried four 12.4-inch guns, twelve 6-inch, one nine-pounder, sixteen three-pounders, twelve one-pounders, and eight guns of a miscellaneous character.

ST. PETERSBURG, April 15.—An impressive requiem was sung for Admiral Makarov and the men of the Petropavlovsk at the Admiralty church last night. The Emperor attended and 20,000 people stood outside with bared heads. The loss of the torpedo-destroyer Bezstrashni and the damage done to the Pobieda have intensified the grief of the nation.

PORT ARTHUR MAY BE BLOCKED.

ST. PETERSBURG, April 15.—It is rumored that the Japanese have succeeded in blocking the entrance to Port Arthur.

ALEXIEFF COMMANDS FLEET.

ST. PETERSBURG, April 15.—Admiral Alexieff has arrived at Port Arthur and taken temporary command of the fleet. Admiral Skrydloff will succeed the late Admiral Makarov.

RUSSIA WANTS MONEY.

LONDON, April 15.—It is reported that Russia is seeking a loan.

VERESTCHAGIN PROBABLY DEAD.

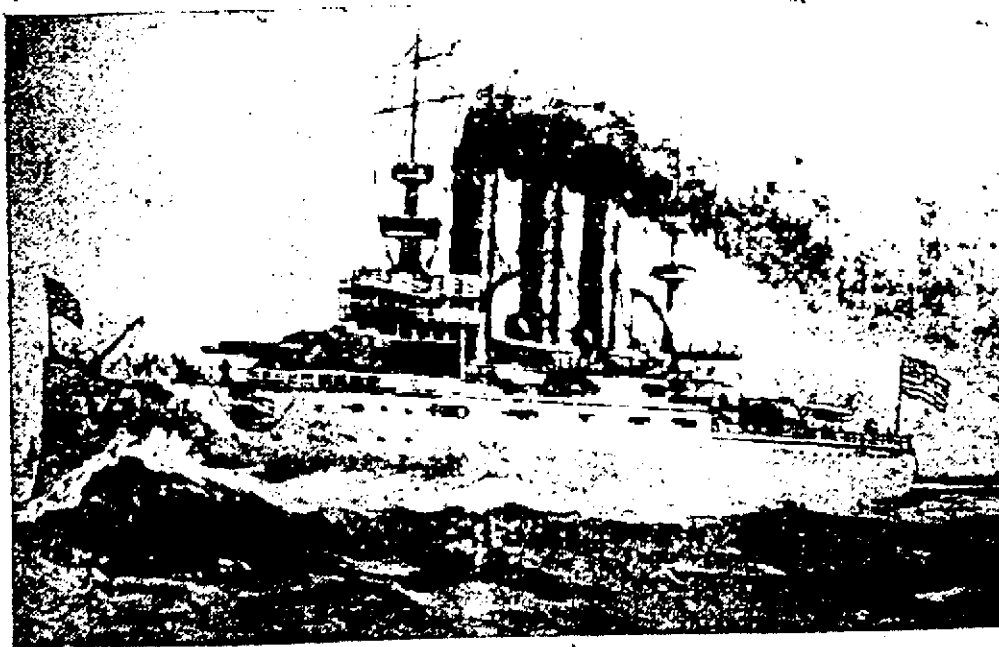
ST. PETERSBURG, April 15.—Verestchagin, Russia's great painter of battle scenes, was probably killed on the Petropavlovsk. He was a guest of Admiral Makarov.

Vasilii Verestchagin, war painter, was born in Russia in 1842. Charles De Kay says of his life:

"Educated for the navy, he turned to art, studied at St. Petersburg under Markoff, and at nineteen made his bow in the old classical spirit with a 'Massacre of Penelope's Lovers' by Ulysses." After traveling in the Caucasus he went to Paris and studied with Gerome, showing in the Salon of 1866 a Russian subject—members of the persecuted sect of the Doukchoborski singing psalms. From 1867 to 1870 he was with General Kauffmann in Turkestan, and from 1874 to 1878 he was in India. During these travels he amassed a really wonderful series of types of Asian peoples, so that ethnologists were grateful to him for preserving examples of races whom the quickly changing events in Asia under Russian rule are leveling to one plane. The Moscow Museum gave up a special gallery to these pictures. Meantime the literature of Russia was making its impression on the young painter. In 1880, when he made his reappearance in Paris, he took the town by storm, not through the artistic quality of his work, but through its subject-matter. He had been through the Turkish war, was wounded, and later joined General Gourko in the Balkans. His

of the sentinel frozen at his post in the Schipka Pass stirred the public deeply, and so did his views of soldiers asleep on the steppe and pictures of battlefields with all the results of carnage. In 1882 he showed his gallery of nearly two hundred pictures in Berlin, and in 1883 he created a sensation in Vienna by exhibiting a picture of the youthful Jesus among his brothers and sisters in the house of Joseph and Mary. Cardinal Ganglbauer protested against a scene which seemed to him and other Catholics, who deny that Jesus had brothers and sisters, an attack on the sacredness of the Holy Family; and the picture was withdrawn. Meantime Verestchagin had been painting a series of pictures showing various episodes in the campaign of Napoleon against Russia in 1812, which gave him scope for more scenes that enforce the savagery of war. His American trip took place in 1887, when he showed the famous historical picture of Hindu and Mohammedan rebels being blown from the mouths of guns by the British, his picture of a military execution in a snow-storm, and other immense canvases.

Verestchagin has braved many dangers. When General Kauffmann and his army started for the campaign in Central Asia he invited him to



THE BATTLESHIP MISSOURI.

The battleship Missouri was only recently placed in commission. She is a sister vessel of the battleship Ohio and the battleship Maine, the latter being a vessel which had a good many accidents shortly after being placed in commission. The Missouri cost nearly three million dollars, has a speed of about eighteen knots, and carries a complement of 450 men. Some time ago the battleship Massachusetts had an accident in one of her trials, which resulted in the death of some men and another battleship lost some men through the blowing up

PAUL NEUMANN'S SON IS KILLED ON THE MISSOURI

Turret Gun Explosion Kills Twenty-Nine Men.

(ASSOCIATED PRESS CABLEGRAMS.)

PENSACOLA, April 14.—Five officers and twenty-four men were killed yesterday by the explosion of a charge of 2000 pounds of powder in a twelve-inch turret gun of the battleship Missouri while at target-practice. The officers killed are Lieutenants Davidson, Weichert and Gridley, Midshipmen Neumann and Ward. Gridley was the son of Dewey's famous captain and Neumann's mother resides in Honolulu.

Edouard Neumann, a son of the late Paul Neumann, of Honolulu, graduated from the Naval Academy at Annapolis on Jan. 26th, 1903, as a midshipman. He leaves a mother and four sisters and one brother. His sisters are Mrs. Herman Focke, of Honolulu, Mrs. W. F. C. Hasson, of Annapolis, Mrs. Alfred Fowler, of London, and Miss Lily Neumann, now in London and soon to become the bride of Robert MacDonald Bird. Mrs. Paul Neumann, his mother, left Honolulu on March 5th for London to be present at her daughter's wedding. She intended to make a short stay with Mrs. Hasson at Annapolis while on her way abroad. Edouard Neumann's brother is Paul Neumann, Jr., a resident of London, who studied medicine in the University of Edinburgh and later served with the British in the Transvaal War. Edouard Neumann's appointment to the Naval Academy was credited to California.

Midshipman Neumann was at one time very well known among the younger society set in Honolulu. He was last here just prior to the time that Commander Pond secured his appointment to the Naval Academy. He studied at the Fort street school and later at Punahou.

army of savages at bay for a week; a feat for which the Czar rewarded him with the Cross of St. George. Years afterwards Verestchagin went through the Russo-Turkish war as an artist, but here again he came in close contact with the foe, being wounded while helping to sink a Turkish gunboat with a torpedo. Verestchagin too was present at the storming of Plevna and witnessed the final rush towards Constantinople. About a year and a half ago he completed a painting showing the "Battle of San Juan," the battle in which Theodore Roosevelt took so prominent a part. This has been considered one of the artist's greatest works. Verestchagin also visited the Philippines and made a number of canvases dealing with the suppression of the rebellion by the Americans.

Verestchagin has always been opposed to the savagery of war and in his canvases has painted it truthfully, accompany the army as an artist. It was exactly what Verestchagin wanted, and it was with General Kauffmann

that the artist tasted battle as a soldier. Once or twice during the war he laid down his pencil and took up his gun, and at Samacand he was one of a brave little band which kept an

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NO MONEY FOR JURORS

House Makes Mistake In Current Expense Bill.

The action of the House in indefinitely postponing the bill, providing that litigants pay court costs without adding an additional appropriation for jury fees in the current expense bill, is likely to lead to endless trouble. Governor Carter was considerably put out over the matter yesterday after the House adjourned, and was afraid he might have to veto portions of the current expense bill unless it was again amended.

"The House increased the appropriation a few days ago for court expenses in order to include pay of jurors, but unfortunately this was intended only for jurors in criminal cases," said Governor Carter yesterday afternoon. "It was the understanding that the jury bill was to be passed then, requiring court costs to be paid by the litigants only in civil cases, the jurors in criminal cases to be paid by the government. As the matter now stands the appropriation is not sufficient to pay the jurors in all cases and it seems to me better not to have any appropriation for jurors at all, and I am inclined to veto so much of the bill as provides for their payment."

Senator D. F. R. Isenberg departed for Kauai yesterday to be present at the unveiling of the monument and bronze tablet in memory of his father, the late Paul Isenberg. The ceremony takes place today. H. A. Isenberg and others will be present. A large luau is planned and there will be an evening concert.



V. A. ADMIRAL MAKAROV

SIX LOTTERY ACQUITTALS

J. D. Holt Named in Divorce Suit.

(From Wednesday's Advertiser.)

Gan Ching alias Yow Yip, Bing Lum, Sin Gee Tal, Sack Gun, Dyang Young Kee and Duck Fim, after a trial lasting all of yesterday before Judge De Bolt, were found not guilty of maintaining and conducting a lottery. W. A. Fleming, Assistant Attorney General, appeared for the Territory; E. A. Douthitt for the defendants. The jury consisted of H. C. Austin, C. H. Bellina, P. Lashman, John Coffee, Henry Cook, G. Keolapauole, Jas. Bicknell, S. K. Paulo, J. Kildwell, Jessin Andrade, W. B. Brown and Henry P. Kaohi.

Another lottery case with several defendants comes next in order for trial.

SUES FOR DIVORCE.

Hiram Kolomoku, who lately brought suit for damages against John D. Holt, Jr., for seduction of wife, yesterday by his attorney, E. A. Douthitt, brought a divorce suit against Mrs. Kolomoku on statutory grounds, naming the said Holt as co-defendant.

JUDGMENTS RENDERED.

Judge Gear rendered judgment for plaintiff for possession of land and costs of court in the suit of Samuel Kaahu vs. Kaubane Naopeope. J. M. Poepe appeared for plaintiff, while defendant made default of appearance. The land in question is a house lot at Kawaipilo, Kapalama, Honolulu, containing 1.44 square chains.

Judge Gear gave judgment for defendant with costs in the suit of Hawaiian Star Newspaper Association vs. J. S. Bailey, Thayer & Hemenway for plaintiff; defendant in person. It is a reversal of District Magistrate Dickey's judgment for plaintiff for \$40.31 on account of an advertising bill.

Before Judge Robinson, the appeal of defendant was discontinued in the suit of Lo Kai alias Yee Wo vs. Shimoda Sentaro. A. G. Correa for defendant. District Magistrate Dickey's judgment appealed from was for plaintiff for \$49.47.

Judge Gear ordered the case of Schweitzer & Co. vs. C. J. Fishel dismissed for lack of prosecution. J. A. Magoon appeared for defendant.

COURT NOTES.

Christina Mai, widow of Lum Hoy, petitions that letters of administration on her late husband's estate be issued to Walter C. Weedon. The estate is valued at \$2975, of which \$2000 is life insurance. Heirs at law are petitioner, a married son and three young children.

In the suit of Judge De Bolt against Yee Chin and others, upon the bond of Chew Mon, administrator, who absconded to Manila with \$300, defendants Yee Chin and Lam Hong enter an answer of general denial by A. H. Crook, their attorney.

Eight days are allowed by Judge Gear for the filing of briefs in the Balou telephone injunction case.

Judge Robinson will resume the hearing of the Pacific Heights case this morning.

Judge Robinson denied the motion for a new trial of Jack Morgan, convicted at last term of seduction and sentenced to six months' imprisonment.

NEW DIRECTORS OF PEPEKEO COMPANY

At the quarterly meeting of Brewer & Co. yesterday morning the affairs of the Pepekeo plantation were discussed at length, and resulted in the firm taking over the agency which was formerly held by Davies & Co. The recent deal in Pepekeo stock gave the control to Brewer & Co., Alexander Young having disposed of his interest. A large portion of the stock is controlled by Mrs. Julia Afong.

The new directorate of the plantation is as follows: W. F. Allen, president; W. H. Baird, vice-president; G. H. Robertson, treasurer; E. F. Bishop, secretary; T. R. Robinson, auditor; C. M. Cooke, director. All of the above excepting the auditor constitute the board of directors.

The old directorate which is superseded was as follows: Alexander Young, president; W. F. Allen, vice-president; F. M. Swamy, treasurer; W. H. Baird, secretary; H. M. Mist, auditor; C. C. Kennedy, director.

DELEGATE WILL AID EXCHANGE

The secretary of the Builders and Traders Exchange has received from Delegate Kalaniana'ole the following letter acknowledging receipt of the joint resolution of the Exchange and the Honolulu Trades and Labor Council to Congress:

I am in receipt of your letter of the 9th instant, enclosing letter from Secretary of Honolulu Trades & Labor Council, and the Joint Memorial to Congress, of the Exchange and Council, asking legislation restricting the employment of non-American citizens or those ineligible to become such, directly or indirectly on public work in the Territory of Hawaii, and providing penalties for violations.

I am in full sympathy and accord with everything contained in the Memorial, and desire to congratulate you and the Exchange on the clear and forcible manner in which the facts are presented. It all meets my hearty approval, and I will present the Memorial to Congress, asking for the reference as requested and also that it be printed.

I will do all in my power to secure favorable action on the memorial in committee, and bring before them such additional information on the subject as I can procure from the Department of Commerce and Labor. I shall also take the matter up with members of Congress generally and continually urge the necessity for the legislation asked for. I fully appreciate all that the Exchange is doing and its kindly feeling towards me. Will be glad to help you in any way that I can.

THE EXECUTIVE APPOINTMENTS

(From Thursday's Advertiser.)

As foreshadowed in yesterday's Advertiser, Governor Carter yesterday made the following appointments:

To be Treasurer of the Territory—A. J. Campbell.
To be President and member of the Board of Health—L. E. Pinkham.

All of the executive appointments made since last session of the Senate, being in office at date, were sent to the Senate by message yesterday. All were confirmed with one exception stated in the report of Senate proceedings elsewhere, and in that case the Governor was not desirous of confirmation for the reason given by Senator Paria. The list follows:

Lorrin Andrews, Attorney General, Nov. 25, 1903; C. S. Holloway, Superintendent of Public Works, Nov. 25, 1903; Alatau T. Atkinson, Superintendent of Public Instruction, Nov. 25, 1903; James W. Pratt, Commissioner Public Lands, Dec. 1, 1903; J. H. Fisher, Auditor, Nov. 25, 1903; Arthur M. Brown, High Sheriff, Dec. 1, 1903; Walter Eugene Wall, Surveyor, Nov. 30, 1903; J. L. Campbell, Treasurer, April 12, 1904; L. E. Pinkham, President and member Board of Health, April 13, 1904; John C. Lane, member Board of Health, Dec. 15, 1903.

Appointment of members Honolulu Park Commission with commissions dated January 12, 1904, are as follows: E. S. Cunha, A. S. Claghorn, L. A. Thurston, Henry E. Cooper, Walter M. Giffard, F. M. Hatch.

E. C. Waterhouse, M. D., member Board of Medical Examiners (recommissioned), Mar. 5, 1904.

Boards of Inspectors of Animals—Port of Kahului, Island of Maui: W. F. McConkey, M. D., member and executive officer; Edgar Morton, member; W. T. McManus, member; commissions dated Sept. 15, 1903.

Board of Registration—For Islands of Kauai and Niihau: Arthur H. Rice, member, Sept. 22, 1903.

Inspectors of Election—First District, Island of Hawaii: C. N. Prouty and Wm. Geo. Kaihenui, Third Precinct; Ira E. Ray and David Ewald, Fourth Precinct; E. N. Kahne, Seventh Precinct; Henry Louison, Eighth Precinct; T. N. Nalelehu, Tenth Precinct; commissions dated Oct. 2, 1903.

Second District, Island of Hawaii: Geo. P. Tulloch, Robert K. Naipo, Thomas Aiu and J. L. Kawewehi, First Precinct.

Third District, Islands of Maui, Molokai, Lanai and Kahoolawe: Chas. Gay, Fifth Precinct; H. T. Bateale, Eighth Precinct; W. S. Nicoll and J. H. Nui, Tenth Precinct; F. P. Rosecrans, Thirteenth Precinct; M. H. Kane, Fourteenth Precinct; A. S. Kaholokai and Edward Wilcox, Fifteenth Precinct.

Fourth District, Island of Oahu: Harry Macfarlane, First Precinct; W. S. J. O. Makekau, Second Precinct; William Baidge and F. B. Angus, Fourth Precinct.

Fifth District, Island of Oahu: S. L. Kauai, First Precinct; Oscar Cox, Third Precinct; Lema Spencer, Fourth Precinct; Moreno Hula, Eighth Precinct; C. F. Alexander, Ninth Precinct.

Sixth District, Islands of Kauai and Niihau—Hudday, Jos. L., Eighth Precinct; Scott, Robert, Eighth Precinct.

All the commissions of election inspectors are dated October 2, 1903.

KEPOIKAI GOES BACK TO MAUI

Judge A. N. Kepoikai vacated the office of Territorial Treasurer to his successor yesterday afternoon. He goes to Maui next week and, if his confirmation as Third Circuit Judge by the U. S. Senate be cable in the meantime, will forthwith assume his judicial functions. Mr. Kepoikai was appointed as Treasurer by Governor Dole on December 6, 1902.

His former incumbency of the Circuit Court bench was by appointment of Queen Liliuokalani in 1892 shortly before the overthrow of the monarchy, and he resigned rather than take the oath to the Provisional Government. Mr. Kepoikai's first judicial experience was as District Magistrate of Wailuku, Maui in his home island and there he is highly popular but his genial presence will be greatly missed in Honolulu.

THE EXCRUCIATING PAIN from corns, bunions, or chilblains may be avoided by a free application of Chamberlain's Pain Balm. For sale by all Dealers and Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

The Paradise of the Pacific is out again with fine pictures and illustrations.

MANY THIRD READINGS FOR THE SENATE TODAY

(From Wednesday's Advertiser.)

Although the Senate yesterday deferred the third reading of the appropriation bill for salaries and pay rolls until this morning, it did so for good reason, as will be seen in the report below, and performed a considerable amount of other business to account for the day. The bill relating to costs of court, which is designed to make those who go to law pay for law and compels citizens to give free jury service in upholding the criminal laws, passed third reading and was transmitted to the House of Representatives.

Several important financial bills were advanced different stages, while some measures that were liable to provoke debate and unnecessarily prolong the session were either abandoned or relegated to the regular session of the next Legislature, providing they may then be fortunate enough to have sponsors.

The House of Representatives, having got well ahead of its work, rested on its oars yesterday. Representatives joined Senators upon a trolley excursion to the Aquarium in the morning.

HOUSE

MORNING SESSION.

The House of Representatives had little business to transact yesterday forenoon and ten minutes after convening had accepted the invitation of Manager Ballentyne to take a trolley ride over the Rapid Transit system.

Upon convening two communications from Secretary Atkinson were received notifying the House that Governor Carter had signed Acts 1 and 2, providing for the expenses of the House and Senate during the special session. The Clerk of the House made out warrants for the members, and a raid was soon begun on Treasurer Kepoikai's funds.

The Senate also informed the House that it had passed Senate Joint Resolution No. 1.

Upon taking a recess the legislators were conveyed in two large cars to Walkiki where they visited the Aquarium.

AFTERNOON SESSION.

Senate Bill No. 3, passed its first reading. Senate Bill No. 7, to amend Act 17 of the extra session of 1903 passed first reading.

Senate Bill No. 6, to amend Sec. 13, Act 56 of the Session Laws of 1903 passed first reading.

Fernandez wanted all the House members furnished with copies of the bills as he wanted to know something about them.

The Senate resolution providing for the putting into effect the various measures presented at the special session was read.

Kumalae moved for the adoption of the resolution. Chillingworth moved its reference to the Judicial committee on the ground that he was doubtful of the legality of the proceeding.

The vote resulted in the rejection of the resolution by a vote of 15 yeas and 10 noes. Chillingworth again moved to refer to the Judiciary committee, which was done.

A communication from Solomon Meheula, former clerk of the House, relative to the preparation of House proceedings in the Hawaiian language, was presented, read and referred to the Finance committee as follows:

Honolulu, April 11, 1904.

To the Speaker and members of the House of Representatives:

In pursuance to Resolution No. 39 of the House of Representatives of the Territory of Hawaii in the extra session of the Legislature of the year 1903, as clerk of the said House of Representatives I have had the journals of the said House prepared, translated and printed in English and Hawaiian. I was only able to have the English version of the journals of the regular and extra sessions bound in one volume, but owing to its bulkiness and the larger time necessary to have the same translated into Hawaiian and printed, I have had the Hawaiian version bound separately.

In consultation with the Speaker we have decided with a view of reducing the expense of translation and printing, to eliminate from the Hawaiian version of the journal of the extra session, the Conference committee reports, verbatim.

And as you, gentlemen, are well aware of the fact that whilst ordering the work to be done there was no appropriation made by you for the payment of the expenses incurred for the preparation, translation and printing of the extra session journal, I therefore respectfully ask you to consider this matter.

Should you deem it advisable to consider this matter in this special session, I will prepare a list of items of expenses incurred to be submitted to a committee of your honorable house to whom this matter may be referred.

SOLOMON MEHEULA.

A bill of the Bulletin company showing a discrepancy of \$100.80 overcharge for 50 pages of work more than were really printed was presented by Harris for reference back to the Finance committee. The bill was as follows:

To Bulletin Pub. Co., 300 copies extra session journal, House of Representatives, 1903, 350 pages, rate \$2.10; amount, \$735. Less 48 pages (2100 lines) error in printer's makeup, rate \$2.10; amount, \$100.80; total, \$634.20.

House Bill No. 5, relating to malicious injuries, was brought up for third reading. Kuyehs moved that the bill be indefinitely postponed. The bill, however, was passed.

Senate Bill No. 1, appropriating general expenses for the departmental use of the Territory during the period commencing with the first day of July, 1904, and ending with the 30th day of June, 1905, amounting to \$923,408 was called up for second reading, and was passed accordingly.

SENATE

Harris introduced a bill covering unpaid departmental bills up to December 31, 1903.

When the Senate opened at 1:30 yesterday afternoon, a letter from Secretary Atkinson was read, announcing that the Governor had signed Act No. 2, which appropriates \$10,000 for defraying the expenses of the House of Representatives for this session.

BILLS TABLED.

Mr. Achi presented a majority report, signed by Mr. Brown with himself, finding that the object of Senate bill No. 11 is covered by the changes made in the Appropriation bill. Therefore it was recommended the bill be laid on the table. The report was adopted. The bill related to the Land Registration Court salaries.

Mr. Achi presented a majority report of the Judiciary Committee on Senate bill No. 10, relating to the Bureau of Conveyances. It was signed by J. T. Brown with himself and recommended certain amendments, including the striking out of the first section as already covered by bill No. 6. Mr. Dickey declined to concur, saying it was not a financial measure and ought to be postponed to the regular session. The reports were laid on the table to be considered with the bill. When they came up on the orders, the bill was laid on the table.

THIRD READINGS TODAY.

The bill to repeal Chap. 79 of the P. G. laws, providing for the issuance of Treasury notes, passed second reading, to be read a third time today. Mr. Achi explained before the vote that there was doubt as to the legality of Treasury notes under the Organic Act, therefore it was deemed best to repeal the law.

The bill authorizing the Treasurer to open accounts with any bank or banks, subject to the approval of the Governor, passed second reading, to be read a third time today.

The House bill relating to internal taxes came up on second reading and Mr. McCandless moved it be referred to the Judiciary Committee.

Mr. Achi said they would save time by passing the bill. Its only idea was to allow the Treasurer to pay collectors of taxes by commission or salary as he saw fit. Down at Ewa the collector would make \$5000 by commission, so he was paid a salary but it was not legal. Mr. Brown wanted it referred to a committee because if collectors were paid salaries they would not go round as they ought.

Mr. Dickey was in favor of referring the bill but wanted it passed first. Mr. McCandless asked why and the speaker answered because it only needed a change of wording to make it properly express its idea.

The bill passed second reading and then Mr. Dickey moved it be referred to the Finance Committee, but the motion failed to obtain consent for suspending the rules as necessary and the bill was ordered read a third time today.

THE INDIGENT SICK.

Mr. McCandless moved to postpone the third reading of House bill No. 1, the salary and payroll appropriations, until 10 o'clock this morning. He gave as the reason that a movement was on foot, with which it was believed the House would agree, to provide something for the indigent sick. Carried.

COURT BILL PASSED.

The bill relating to costs of court came up on third reading. Mr. Dickey caused amusement by rising, as the clerk finished the reading of his own bill, to move an amendment relating to the license bill not then before the Senate. Mr. Achi made some remarks in favorable explanation of the bill.

The bill passed third reading by the following vote: Ayes—Achi, Brown, J. T., Crabbe, Dickey, Isenberg, McCandless, Nakapahu, Paris, Wilcox, Woods—10. Noes—Kaiue, Kalaualokani, Kaohi—3.

LOAN ACT CHANGES.

Mr. Dickey gave notice of a bill to amend Act 18 of the extra session of 1903.

Senator McCandless gave notice of a bill to amend Act 18 of the extra session of 1903. It was read a second time and referred to the Finance Committee.

The two bills just mentioned are to amend the loan appropriation bills. An arrangement has been made whereby the first one will be tabled and the second one passed. It makes the following changes: Cut out Kahului wharf, \$50,000. Add purchase and grading of Normal school site, \$25,000, and storm drains, general, \$25,000.

DEPOSITARY BILL.

Mr. Achi gave notice of a bill authorizing the deposit of public money in a designated depository or depositories and providing for the safe keeping and payment thereof, and to provide for security therefor. It was read a first time and under suspension of the rules

was referred to the Finance committee. Following is the text of the bill: Section 1. Any banking association or banking corporation, whether incorporated under the laws of the Territory or otherwise, or any copartnership that carries on the banking business in the City of Honolulu, Island of Oahu, may be designated by the Treasurer of the Territory, with the approval of the Governor of the Territory, as a depository, of public money, and may also be employed as a financial agent of the Territory. Any such association, corporation, or copartnership shall perform all such reasonable duties as depositories of public moneys, and financial agents of the Territory, as may be required of them. The Treasurer of the Territory shall require the association, corporation, or copartnership thus designated to give satisfactory security by the deposit of bonds of the Territory of Hawaii, or United States, or other security, or bond approved by the Treasurer and the Governor, in an amount not less than the aggregate sum at any time deposited with such association, corporation, or copartnership, for the safe keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government; when bonds, or security, or bond, when so deposited with the Treasurer shall be held as security for such safe keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government.

Section 2. It shall be the duty of the Treasurer of the Territory to deposit all public money which shall come into his possession or control in a banking institution or banking institutions designated as a public depository under the provisions of this Act, and any such depository or depositories shall only pay out such money upon the warrant or warrants of the auditor as now provided by law, or in such other manner as provided by law.

Section 3. Such Treasurer of the Territory, with the approval of the Governor, shall have power to make all necessary rules and regulations governing the deposit and withdrawal of the public money over which he may have control, not inconsistent with law, and the same to alter, amend, rescind or abolish at his pleasure, and to prescribe all necessary forms for the carrying out of the provisions of this Act.

Section 4. Whenever any portion of the funds of the Territory are deposited in a depository, the Treasurer of the Territory and the surety on his bond, shall be exempt from all liability by reason of the loss of any such deposited funds from failure, bankruptcy or any other act of such bank to the extent and amount of such funds in the hands of such bank at the time of such failure or bankruptcy.

Section 5. This Act shall take effect and be in force from and after its approval.

SALE OF BONDS.

Mr. McCandless gave notice of a bill to amend Sec. 8 of Act 42 of the session laws of 1903. It was read a first time and under suspension of the rules was referred to the Finance committee.

Section 1. Section 8 of Act 42 of the Session Laws of 1903 is hereby amended so as to read as follows:

The Treasurer of the Territory may, with the approval of the Governor, determine the denomination of such bonds to be issued under the authority of this Act, and the place in which the principal and interest of such bonds, or any of them, shall be payable, and the method of their redemption. He may make such arrangements as may be necessary or proper for the sale of the whole or any part of the authorized issue. Such arrangements shall provide for the sale of such bonds by the Government itself by public advertisement for tenders, but no bonds shall be issued at less than two per cent below their nominal par value; or the Treasurer may, with the approval of the Governor, accept any bid without public advertisement for tenders, provided such bid shall be above the figure of the last sale.

Section 2. This Act shall take effect from the date of its approval.

OTHER BILLS REFERRED.

The House bill relating to the removal of garbage was read a second time and referred to the Judiciary committee.

The bill amending the license law was read a second time by title and referred to the Finance committee.

The Senate adjourned to 10 o'clock this morning.

SENATE'S ATTITUDE PLEASURES CARTER

"I am pleased with the attitude of the Senate in supporting my nominations and consider myself extremely fortunate," said Governor Carter yesterday. "In securing department heads I tried to make my appointments from the best available material and I believe I have now around me mighty good men, men who will be public servants and will handle their departments with keen interest in them."

Cooper Will Not Reconsider.

Dr. Cooper had a long conference with Governor Carter yesterday over his retirement from the Board of Health, and informed the Governor that he did not wish to reconsider his resignation. He said he had been anxious to retire for some time and was informed that the Governor would try to find a substitute for him before the Senate adjourned. Governor Carter is extremely anxious that President Pinkham have the benefit of the advice of the retiring president.

Members of the Senate who have regretted the departure of Dr. Cooper

MUST PAY THEIR BILLS

Executive Notice Issued by Carter.

(From Thursday's Advertiser.)

Government employees who fail to pay their bills are likely to be summarily removed, if the first sharp reprimand does not make them mend their ways. Governor Carter yesterday issued an executive notice to the heads of departments, calling attention to complaints made against employees failing to pay their bills to merchants and storekeepers.

The executive order is as follows:

EXECUTIVE NOTICE.

To All Heads of Departments, Office of the Governor, Honolulu, April 12, 1904.

Complaints have been made that some of the employees of the Government of the Territory of Hawaii fail to pay their bills due merchants and storekeepers for the necessary supplies which they procure for themselves and their families.

It is the sense of the Executive, that clerks, who are in receipt of regular and stated salaries, should make every effort to meet their proper and legal obligations. Unless satisfactory reasons can be assigned for their failure to do this, all such offenders should be sharply reprimanded by the heads of their departments and informed that any further complaint, made upon the same subject, will be followed by dismissal.

The Executive feels that those who fail to act honorably in their private affairs can hardly be expected to give full and adequate satisfaction to the Government that employs them.

G. R. CARTER, Governor.

"The merchants have been complaining for some time about the failure of government employees to pay their bills," said the Governor in explanation of the order. "While I don't believe in making the government a collecting agency for merchants, who often are lax in allowing credit, on the other hand I don't believe in government employees ignoring all their bills. The practice should be stopped."

MUST NOW FACE MURDER CHARGE

Kalama Hana, the native who was stabbed in a drunken affray on Punch-bowl slopes on Monday night, died at the Queen's Hospital about six o'clock last night as a result of his injuries. Daniel Kamai Kahili, the native longshoreman who admitted stabbing Hana during the fight, is held in the police station and will have to face a charge of murder.

OF THE MULTITUDES

who have used it, or are now using it, we have never heard of any one who has been disappointed in it. No claims are made for it except those which are amply justified by experience. In recommending it to the afflicted we simply point to its record. It has done great things, and it is certain to continue the excellent work. There is—we may honestly affirm—no medicine which can be used with greater and more reasonable faith and confidence. It nourishes and keeps up the strength during those periods when the appetite fails and food cannot be digested. To guard against imitations this "trade mark" is put on every bottle of



"Wampole's Preparation," and without it none is genuine. It is palatable as honey and contains the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. Taken before meals it creates an appetite, aids digestion, renews vital power, drives out disease germs, makes the blood rich, red and full of constructive elements, and gives back to the pleasure and labor of the world many who had abandoned hope. Doctor S. H. McCoy, of Canada, says: "I was cured with pleasure of a long and painful illness as a lame boy." Its curative power can always be relied upon. It makes a new era in medicine. It is a medical triumph from the first time it was tried. One bottle restores. Avoid all cheap imitations. Send for chemists throughout the world.

JUDGE ALO WILL STAY

Charges Against Him Fall Flat.

(From Thursday's Advertiser.)

Governor Carter yesterday received from Deputy Attorney General Peters an opinion upon the charges against District Magistrate Thomas Aiu of North Kona, recommending that the matter be dropped. M. F. Scott charged in the matter of the Kona Sugar Co. suits that the magistrate wrongfully issued a writ of possession and also that he was unduly influenced in that case.

The Attorney General's Department, after an investigation, finds that there is no ground upon which charges against Mr. Aiu could be preferred in the Supreme Court.

The opinion written by Mr. Peters is as follows:

Honolulu, T. H., April 13, 1904.

In the matter of the charges of M. F. Scott, Esq., vs. Thomas Aiu, Esq., 2nd District Magistrate of North Kona, Hawaii.

To His Excellency, The Governor of the Territory of Hawaii, Executive Building, Honolulu.

Sir:—Your valued communication of the 4th inst., relative to the above entitled matter, to hand and contents noted. I have carefully considered and investigated the matters and things in the letter of Mr. M. F. Scott contained, complaining of the action of Thomas Aiu, Second District Magistrate of North Kona, Hawaii, in his issuance of a writ of possession pending appeal in a civil cause for summary possession, in which the Kapilani Estate, Limited, was plaintiff and C. J. Hutchins, Trustee, and the Henry Waterhouse Trust Company, Limited, were defendants.

It appears that the action was instituted before the Second District Magistrate, Thomas Aiu, but there is nothing in the statutes prohibiting such action, his jurisdiction being coordinate with the jurisdiction of the First District Magistrate. The parties litigant can choose whom they see fit, unless some regulation is made, as in the District of Honolulu.

It further appears that on the 15th day of March, 1903, upon hearing and submission of said cause, judgment was rendered for plaintiff, and defendants immediately gave notice of appeal, and thereafter perfected such appeal to the Circuit Court of the Third Circuit, duly waived, within the time and manner as provided by law. That thereafter, to wit: on the 12th day of March, subsequent to the notice of appeal by defendants-appellants, but prior to perfection of said appeal, the said Aiu as District Magistrate, issued a writ of possession against the defendant C. J. Hutchins, Trustee. That thereafter, to wit: on the 14th day of March, and before the same was served by the Sheriff, the defendants-appellants gave notice in writing to Sheriff J. K. Nahale, notifying him that the appeal had been perfected in the manner provided by law and that he took further action relative to said writ at his peril. This writ was returned unexecuted by Mr. Nahale.

On the 17th day of March thereafter, another writ of possession was issued by Aiu in the same cause, upon the ex parte application of plaintiff, and delivered on the same day to Nahale, as Sheriff, for service. This writ Mr. Nahale refused to serve, and the same was sent by him to the High Sheriff at Honolulu, explaining the situation and requesting advice thereon.

No action on the second writ, however, was taken, and the same appears to have lapsed for want of action thereon, and it is to date stands unexecuted.

On the 27th day of March thereafter, John F. Colburn, Esq., Treasurer of the Kapilani Estate, Ltd., accompanied by C. F. Chillingworth, Deputy High Sheriff of this Territory, and C. A. Long, Esq., Attorney at Law, proceeded by specially chartered boat to Kona, Hawaii. Upon the arrival of those gentlemen at the last named place, Aiu was immediately consulted to the purpose of securing a writ of possession in the cause, and the request of plaintiff was granted to that end, and the writ served immediately thereafter by Chillingworth, in his official capacity. At the time of the securing of the writ there was no one present representing either of the defendants, although Mr. Guy F. Maydwell of Honolulu was attorney of record in said cause. M. F. Scott, residing at the same place had previously given notice to Nahale in reference to the first writ and J. K. Nahale, the Sheriff of North Kona, lived in the immediate vicinity, nor had any notice of the contemplated action of the plaintiff been previously given to the attorney of record, or any one else representing the defendants.

The Session Laws of 1903, by Act 22 thereof, provide that an appeal duly taken and perfected in any case from a judgment of a District Magistrate, shall operate as an arrest of judgment and stay of execution; provided, however, that a District Magistrate may, upon good cause shown, allow execution to issue pending such appeal, unless the appellant shall, within such time as shall be allowed by the Magistrate, deposit a bond in such sum and with such surety as shall be required by the Magistrate, conditioned that he will prosecute the appeal to the Supreme Court within the time prescribed by law.

From the wording of the statute, it appears that the appellant is entitled to at least an opportunity of staying the issuance of the writ by the filing of the bond required by the statute. That right is granted him irrespective of the fact of whether or not good cause is shown to the Magistrate by appellee for the issuance of the writ. Should the District Magistrate, upon proper notice of motion and regular hearing thereon decide that good cause has been shown by the appellee for the issuance of the writ, still the appellant has an opportunity to stay the issuance of the writ by the filing of the bond.

It may be said that Section 71 of the Act which we are herein seeking to interpret is uncertain and unintelligible, and therefore void, by reason of the appearance in the promulgated laws in line eight of said section of the word "appellant" instead of the word "appellor." But even then, should the Act be treated as void, the Magistrate could have acted under Section 1435 of the Civil Laws of 1897, which provides that execution may issue pending appeal upon good and sufficient cause being shown.

The issuance of execution pending appeal is, however, the exception and not the rule. Common law and common sense dictate that an appeal from a judgment of an inferior court stays execution, and where an exception to the rule gives an extraordinary right of this character, the party against whom the extraordinary right is exercised by the District Magistrate should receive, and is entitled to notice of the application by the appellee for the issuance of the writ. If that were not so, then the statute providing that an appeal operates as a stay of execution amounts to nothing. And defeated litigants would be prevented and harassed from taking and perfecting appeals by the arbitrary action of a District Magistrate in the issuance of a writ of possession or execution upon a mere ex parte application and without notice of hearing as far as they were concerned and pending their appeal. The statute calls upon the District Magistrate to exercise a sound discretion as to whether or not good cause is shown for the issuance of the writ pending appeal. But absolutely no discretion whatever is reposed in him, in the issuance of a writ should the appellant file an approved bond. The filing of the bond itself absolutely, under those circumstances, stays execution. And as far as the exercise of discretion is concerned, in the District Magistrate, as to whether or not good cause is shown, how can it be possible that that discretion be exercised upon the mere ex parte showing of the appellee? Should such an arbitrary action of a District Magistrate receive recognition, rights of appellants would be jeopardized to an extent that would be appalling; and put a premium on ex parte proceedings contrary to the general idea of a free government.

The action of Mr. Aiu, however, must be considered in the light of all the surrounding facts and circumstances of the case. Upon Mr. Nahale's refusal to serve the writ of March 17th, it was evidently the intention of that gentleman, as well as the District Magistrate, to refer the whole matter to High Sheriff Brown, at Honolulu. And the next thing that occurs follows ostensibly in logical sequence as an answer to that reference—the Deputy High Sheriff, the Treasurer of the Kapilani Estate, plaintiff in the action, and the attorney for the Company appear upon the scene. And the Treasurer as well as the attorney demand what previously had been granted by the District Magistrate, but action thereon refused by the Sheriff of the District, while at the same time the superior of that Sheriff and the representative of the High Sheriff is present then and there ready and willing to execute the writ presented to the Magistrate by the Treasurer and the attorney for the Company. Previously the propriety of the issuance of the writ depended upon its service. It was merely a question of the service of the writs previously secured. Therefore two writs had been issued, and service upon one had been refused. But now the District Magistrate is not only following the suggestions of the attorney for the Company, but all question as to the propriety of his issuance of the writ is removed by the presence of the Deputy High Sheriff of Hawaii, higher in sphere of knowledge and activity than the Magistrate himself, and perfectly willing to serve the writ which the Treasurer of the Company, by its attorney, presents to the Magistrate for signature. And the Magistrate evidently came to the conclusion that wherefore a writ issued under exactly similar circumstances was refused service by the Sheriff of the District, and there now being present a representative of the High Sheriff, who must know all the facts of the case, and with that knowledge was willing to serve the writ everything in consequence must be all right, and he was doing something which was acquiesced in by those of authority.

Mr. Chillingworth, according to his own statement, made to me, was simply acting in the capacity of a ministerial officer. Whether Mr. Brown knew, or not, that the writ was to be secured upon an ex parte showing is immaterial, as far as these charges against Aiu were concerned. Mr. Brown, no doubt, thought that the attorney for the Company would take the proper steps for the securing of the writ. But the question is, in view of what had previously occurred, what was the effect of the presence of the Treasurer of the plaintiff Company, its attorney and the Deputy High Sheriff on the morning of March 28th upon Aiu? To him, ostensibly, the method was approved by Brown, and, naturally, if Aiu thought about it at all, his line of logic would be—Brown knows about the case and writes he sends Chillingworth to serve the writ—must be all right. In this case, the writ was issued and served, and the appeal was perfected, and the writ was returned unexecuted by Mr. Nahale.

On the 27th day of March thereafter, John F. Colburn, Esq., Treasurer of the Kapilani Estate, Ltd., accompanied by C. F. Chillingworth, Deputy High Sheriff of this Territory, and C. A. Long, Esq., Attorney at Law, proceeded by specially chartered boat to Kona, Hawaii. Upon the arrival of those gentlemen at the last named place, Aiu was immediately consulted to the purpose of securing a writ of possession in the cause, and the request of plaintiff was granted to that end, and the writ served immediately thereafter by Chillingworth, in his official capacity. At the time of the securing of the writ there was no one present representing either of the defendants, although Mr. Guy F. Maydwell of Honolulu was attorney of record in said cause. M. F. Scott, residing at the same place had previously given notice to Nahale in reference to the first writ and J. K. Nahale, the Sheriff of North Kona, lived in the immediate vicinity, nor had any notice of the contemplated action of the plaintiff been previously given to the attorney of record, or any one else representing the defendants.

SALARY BILL FIXED FINALLY BY SENATE

Everything That Might Provoke Contest With House Eliminated—Garbage Bill With- stands Strong Siege—Bills Dropped.

(From Thursday's Advertiser.)

There is still expectation that the Legislature will be able to conclude its work tomorrow and adjourn. Governor Carter yesterday extended an invitation to members of the House of Representatives, requesting their presence at a dinner to be given at the Young Hotel tomorrow evening.

The House finally passed the current expense bill yesterday, making quite a number of changes, all of which, however, it is said, the Senate is willing to accede to, although the Governor may object. Members of the House have not caucused as yet on the salary bill since it was amended by the Senate, and there may be a slight hitch in agreeing on the changed items, although the members of the House do not expect this to interfere with the adjournment tomorrow. The House also fixed the salaries of its officers yesterday, and happily the measure reducing their pay went through without trouble.

Besides a scrap over the sewerage bill, a notable feature of the Senate's proceedings yesterday was the running away of the "more dignified body" from its own previous doings. Several measures were shelved, either to keep peace with the House, or to avoid the creation of embarrassing legal questions. Other ticklish things were deferred until a more convenient season, with but poor concealment of a desire to make that never. Of such was the House county commission joint resolution. Governor Carter's appointments, as well as those of his predecessor since the previous session, were all confirmed excepting one precinct election inspector. The only factional opposition shown was to Auditor Fisher, three Home Rulers going on record against him.

THE HOUSE.

Senate Bill No. 9 passed first reading immediately upon the opening of the House session yesterday.

WANTS TO SEE EXAMINATION.

Representative Pail moved that the health committee be instructed to witness the inspection to be made by the Board of Health of suspects at Kailua camp today. He said that there were people at the settlement who should not be there, but the House had no power to change the law now. As the representative of the people though, he believed that they should see for themselves how the examination was conducted, though he did not intend to take away any prerogative from the Board of Health. There was no opposition to the motion and the committee was instructed to make the examination.

The amendment to the Land Registration bill from the Senate, and the amendment repealing the appropriation bill after June 30th, 1904, were both referred to the Judiciary Committee.

CARTER CHANGED HIS MIND. Fernandez moved also to refer the amendment to the old salary bill to the same committee but Pail wanted the rules suspended, to pass the bill on second reading.

Fernandez said the members had not been supplied with copies of the bill and he objected until the committee had looked into the matter. He said the amendment would shut out appropriations made for improvements in the various districts. Besides he added the House members had conferred with Governor Carter, and the Governor had asked them not to pass any but appropriation bills. "And today he comes with other bills," said Fernandez, "acting contrary to his own suggestions."

Kumalae said the member misunderstood the bill, it simply cut off the old salaries, when the new bill went into effect. The bill passed second reading with but one or two dissenting votes.

The current appropriation bill was next called up and Aylett moved a recess to consider the matter of hospital subsidies in caucus, as this would prevent wrangling in the House.

AFTERNOON SESSION. The current expense bill was taken up on third reading at the opening of the afternoon session. Rep. Harris presented the amendments agreed upon at the caucus which were unanimously adopted. These were as follows:

Emergency appropriation increased from \$25,000 to \$35,000 and to include road damages all islands; roads and bridges, Hamakua, Hawaii, reduced from \$940 to \$854; Makawao, \$4000 to \$3700; Koolauapoko, Oahu, \$3600 to \$3300; Waiata, Oahu, \$4800 to \$4500; Ewa and Waiata, Oahu, \$12,000 to \$11,820; strike out road damages all islands, \$30,000; insert Hilo fire department, \$2500; increase court expenses to include pay of jurors, First Circuit, \$8000 to \$10,000; Second Circuit, \$1500 to \$3500; Third Circuit, \$1200 to \$2250; Fourth Circuit, \$2400 to \$4500; Fifth Circuit, \$1200 to \$2000; Incidentals Attorney General's office, reduced from \$7500 to \$7000; police incidentals, Hawaii, \$4800, and police incidentals, Oahu, Maui and Kauai, \$12,000, all combined under police incidentals, general, \$13,800; repairing school buildings, reduced from \$15,000 to \$12,500. There were added appropriations for the various hospitals on condition that reports are made to the Board of Health, the following: Queen's Hospital, \$12,000; Maluluani Hospital, \$1500; Eilele Hospital, \$1500; Eilele Hospital, \$500.

On motion of J. T. Brown, the road and bridge item for Oahu, reduced from \$15,000 to \$12,500, and the same for Maui and Kauai, reduced from \$12,000 to \$10,000, passed.

that the change was made with the approval of the Superintendent of Public Works. The bill passed third reading with 28 ayes and no noes.

Representative Andrade, for the Judiciary Committee, reported favorably the bills referred to the committee in the morning.

The bill as passed appropriates \$386,551 against \$382,481 as it came from the Senate and \$975,906 as it was sent in by the Governor.

FAY OF HOUSE OFFICERS. Representative Kellinell presented a resolution providing for pay of House officers as follows: Clerk, \$3 per day; Interpreter, \$7 per day; Sergeant-at-Arms, \$4; Janitor, \$3; Messenger, \$3, and chaplain, \$25 for the session.

Speaker Beckley said that there was already a similar resolution before the House, but Kellinell replied that it didn't prevent a new one from being introduced. The resolution was adopted with but few dissenting votes.

The unpaid bills were referred to the Finance Committee for investigation and the House adjourned until this morning.

THE SENATE.

Committee reports were not quite ready, when the Senate opened at 10 o'clock yesterday morning, and President Crabbe went on to order of the day.

P. G. LAW REPEALED.

Senate bill No. 12, to repeal Chap. 79, Laws of 1893, providing for the issuance of Treasury notes to pay expenses of the Government from the first of June to the thirty-first of December each year, passed third reading by the ayes of all present, viz: Achi, J. T. Brown, Dickey, Isenberg, Kalua, Kalauokalani, Kaohi, McCandless, Paris, Wilcox and Woods.

GOVERNMENT BANKING.

The bill to amend Section 1 of Chapter 42, Laws of 1893, to provide for the payment of current accounts, came up for third reading. It authorizes the Treasurer to open accounts with Honolulu banks to the amount of \$500,000.

Mr. Isenberg asked if there was no provision that the banks should give security. Mr. Achi answered that there was no necessity, as this was a case of the Government's borrowing from the banks. Mr. Isenberg moved to amend the limit from \$500,000 to \$300,000, but had no second.

The bill passed on the following vote: Ayes—Achi, J. T. Brown, Dickey, Kalua, Kalauokalani, Kaohi, McCandless, Paris, Wilcox, Woods—10. No—Isenberg—1.

TAX COLLECTION.

Senate bill No. 4, to amend Sec. 45, Laws of 1894, relating to internal taxes, came up for third reading. It provides that each assessor shall receive such salary as the Legislature may appropriate, and each deputy assessor a commission not to exceed five per cent or such salary as the Treasurer may fix.

Mr. Dickey moved an amendment to add the words, "such salary not to exceed the five per cent of his collections."

The amendment carried and the bill passed third reading on the following vote:

Ayes—Achi, Crabbe, Dickey, Kalauokalani, McCandless, Nakapahu, Paris, Wilcox, Woods—9. Noes—J. T. Brown, Isenberg, Kalua, Kaohi—4.

FINANCE COMMITTEE.

Mr. McCandless presented a report of the Finance Committee on the License Law bill, recommending that it be laid on the table. The reason was that it was a measure for raising revenue and not a necessary part of the policy of retrenchment which was the special object of the present session of the Legislature.

ject of the present session of the Legislature.

Mr. Achi thought the report was wrong. While he was willing to have the bill laid on the table he would move to strike out the words stating that the bill was not consistent with the policy of the Governor in calling the session. "It is a financial measure," the speaker claimed. "For myself I consider it is a very good bill, one that would help our financial situation. I wish to put myself on record as saying that I think it is a wrong opinion the committee has expressed."

On motion of Mr. Dickey the report was received, to be considered with the bill.

Mr. McCandless presented a report of the Finance Committee on Senate bill No. 16 (Mr. Dickey's), to amend Act 18 of the extra session of 1903. The Act makes appropriations of loan money. It was recommended that the bill be laid on the table. Adopted.

Mr. McCandless presented a report of the Finance Committee on Senate bill No. 17, to amend Sec. 6 of Act 43 of the Laws of 1903. It gives the Governor the authority to sell bonds under certain conditions, but never at more than two per cent discount. The committee considered the bill necessary and recommended its passage. Adopted; the bill to be read a third time today.

Mr. McCandless announced that the Finance Committee had agreed on certain amendments to the salary appropriation bill, which would be stated on the third reading of that bill.

THE SALARY BILL.

House bill No. 1, making appropriations for the payment of salaries and payrolls during the year beginning July 1, 1904, came up on third reading.

Pay of police, Oahu, was amended from \$88,800 to \$88,000 on motion of Mr. McCandless, seconded by Mr. Dickey. Pay of jailors and guards of prisoners, Oahu, was amended from \$20,520 to \$19,650, and the same, Hawaii, from \$2000 to \$2300.

Mr. Dickey remarked that the object of these reductions was to save an appropriation for the aid of the indigent sick.

SAVING THE BAND.

Mr. McCandless moved to insert \$2100 for salary of bandmaster and \$12,900 for pay of twenty-seven bandmen and two lady vocalists.

Mr. Dickey opposed appropriations for the band because the merchants were not going to pay the cost through license taxes.

Mr. McCandless stated that it had been agreed in caucus between the Senate and the House to cut out \$30,000 elsewhere and put in items for the band and the indigent sick. It was explained that the latter object belonged to the current expense bill.

Mr. Isenberg did not want to tie the bandmaster down to twenty-seven bandmen. Twenty men could make enough noise. He moved to strike out the number.

Mr. Dickey said that since the license bill was rejected he did not want to keep the band. It was for tourists, who chiefly benefited the merchants and hackmen. If the merchants wanted the band let them agree to a license law next session.

The amendment of Mr. Isenberg carried and the items as amended were inserted. Then, after the reading concluded, the bill passed third reading on the following vote:

Ayes—Achi, J. T. Brown, Dickey, Isenberg, Kalauokalani, Kaohi, McCandless, Paris, Nakapahu, Wilcox, Woods—11.

NO-KAIE.

Then the license bill was taken from the table and returned to rest there by the adoption of the Finance Committee's report.

THE COUNTY RESOLUTION.

House joint resolution No. 1 came up for second reading. It provides for a commission of five persons to draft a County Bill for the regular session of 1905.

Mr. Dickey moved that it be referred to the Finance Committee. Mr. Kalauokalani that it pass. Mr. Dickey gave for reason of his motion that there was some question about the pay of the commission, whether it should be fixed by the Governor or the next Legislature.

Mr. Achi seconded the motion to refer because he questioned the power of the Legislature to appropriate money by resolution.

Vice-President Paris was in the chair and when he declared the motion to refer lost the vote was questioned. On a rising vote Mr. Kalua persuaded Mr. Nakapahu to stay down on the affirmative call and the motion was clearly lost.

Mr. McCandless then moved to refer the resolution to the Judiciary Committee.

President Crabbe having returned, speaking from the floor, said the Legislature had no right, under the Organic Act, to appoint a commission or any board of a public character.

Mr. Isenberg—"That is the best argument we have had yet."

Mr. Dickey—"The very best argument."

The motion to refer to the Judiciary Committee was lost and then Mr. Dickey moved to amend the resolution by striking out "salary such as may be fixed by the Governor" and inserting "salary as may be fixed by the Legislature at next session."

Mr. Achi moved to postpone the consideration of the resolution until today. They ought to act carefully because two important questions were involved. One was that of the Organic Act, the other lack of money. Then the House might object to their amendment. Again, he thought the President of the Senate ought to have the appointment of its representatives. He believed the proper course was to refer it to a committee. Perhaps in twenty-four hours they might change their minds.

The vote was six to six and Mr. Paris decided in favor of postponement. There was a solid opposition against the motion—J. T. Brown, Kalua, Kalauokalani, Kaohi, Nakapahu and Woods.

The House malicious injury bill was read a first time and referred to the Judiciary Committee.

THE SEWERAGE BILL.

Mr. Achi presented a report of the Judiciary Committee on House bill No. 4, relating to Honolulu sewerage fees.

GOVERNOR MAY VETO

Opposes the Hospital Subsidies as Passed.

(From Thursday's Advertiser.)

Governor Carter may be compelled to veto some of the items in the appropriation bills passed by the Legislature unless the present bills are amended. The changes made in the current expense bill, inserting appropriations for hospital subsidies, the Governor does not believe will fill the bill.

"I sent a letter to the Finance committee in the House today," said the Governor yesterday, "advising that some provision might be made for the hospitals. I suggested an appropriation of about \$15,000 to be inserted under the Board of Health, and to be expended for the care of indigent sick by that department. To do this, made necessary reductions in other departments, and High Sheriff Brown and Supt. Holloway went over the estimates with me and suggested items sufficient to make up the amount, which they agreed might, by rigid economy be dispensed with. I told the committee that if a greater amount was required I would go over the bills and see if additional reductions could be made."

"To have made a lump sum appropriation for care of indigent sick would have filled the bill to much better advantage. The Queen's Hospital which has outside support is given \$12,000, while the Maluluani Hospital, which is supported entirely by the government is given but \$1,500. It requires \$4,000 per year to operate the hospital, and I don't see how the hospital will get along with the lesser amount."

"The Senate has put in the band and left out the hospitals. I am considering now whether it will be necessary to veto some of the items in the appropriation bills in order to keep within the income."

Its passage was recommended. Mr. Achi moved the report be adopted.

Mr. Paris, having left the chair, said: "I do not like this bill. It gives the Superintendent of Public Works too much power. He may go right in and charge the people what he pleases, then if they do not pay make the charge a lien on their property. The Governor may be busy when his approval is wanted to the schedule and leave the fixing of rates entirely to the Superintendent."

Mr. Dickey said it was only a little time to the regular session. The Superintendent could fix water rates now to suit himself. He thought the danger was very slight and the bill a good one which ought to pass.

Mr. McCandless thought Mr. Dickey's argument worked the wrong way. It was only a short time, therefore let them wait and allow the Legislature to fix the rates. That was what the Legislature was for. They were there to represent the interests of the people. To pass a bill of that kind was to give opportunity to oppress the people.

Mr. Paris remarked that it was a poor argument to say they had not time to pass a good law.

Mr. Kalauokalani agreed with the arguments of Messrs. Paris and McCandless. The bill was introduced in railroad fashion without giving the public a chance to consider its provisions. It would work a hardship on the poor citizen. He was in favor of leaving the bill to the regular session. It gave the Superintendent too much leeway in charging fees, compelling everyone to make sewer connection and placing a lien on property.

Mr. Achi argued that the sewer system had cost half a million, which was a charge on the people of all the islands, all for the benefit of Honolulu, and the bill plainly stated that the charges to users of the system must be only to cover expenses and interest on the bonds. The Governor claimed that the people of Honolulu ought to pay for maintaining the sewers. As a property owner he was against such a law, but representing the people he considered it his duty to support it. The Superintendent had power now to make regulations for hacks, etc. It would be impracticable for the Legislature to fix all fees to be charged by heads of departments. There was a limit to the bill, it only meant a nominal charge.

Mr. Isenberg said things were happening now which he wanted done in the 1905 session—the fixing of rates for sewerage and garbage. He said then it was not right to tax people without authority of law. At that time and since he had, with legal advice, resisted payment of sewerage rates for that reason. But poor people suffered for not knowing their legal rights. It was an outrage to send out bills for sewerage rates without law for it. He was willing to pay all lawful taxes and when a bill came in which the ad-

(Continued on page 4.)

BURNS AND CUTS—Slight injuries of this character are of frequent occurrence in almost every household. While they are not dangerous, except when blood poisoning results from the injury, they are often quite painful and annoying. They can be quickly healed by applying Chamberlain's Pain Balm. It allays the pain almost instantly and heals the injured parts without matter being formed, which insures a cure in one-third the time that the usual treatment would require. It is the most perfect preparation in use for burns, scalds, cuts, bruises and like injuries. It should be applied with a feather, and before the parts become swollen if possible. For sale by All Dealers, Benson, Smith & Co., Ltd., Agents for Hawaii.

WALTER G. SMITH, Editor.

SUBSCRIPTION RATES.
Per Month, Foreign, \$1.00.
Per Year, Foreign, \$10.00.
Per Year, Domestic, \$6.00.
Payable invariably in advance.A. W. PEARSON,
Manager.

FRIDAY, APRIL 15.

WHITES AND ABORIGINES.

The Herero uprising in German Southwest Africa is described by the Berlin papers as the natural result of the treatment which the natives have received from traders. According to official reports there have been the most ruthless cruelty and injustice to the people of the soil. Lands and cattle have been seized by them for debts that have already been paid. The shooting, flogging and imprisonment of innocent natives whose women and children have been subjected to every form of horror and cruelty are the cause of the revolt. The German newspapers do not hesitate to couple the German soldiers and officials with the traders.

But this is an old story, as wide as the march of civilization through the world. The Indian wars in North America, beginning with the acts of the Pilgrim Fathers who "fell upon their knees and then upon the aborigines," were continued down the centuries in the most relentless persecution by white pioneers. Originally the Indians welcomed the whites as they did Columbus and his men at Cat Island. In Massachusetts and Virginia the first attitude of the red men was conciliatory but the conduct of the strangers soon made them enemies. The murderous Apache of the Southwest was a product of murderous Spaniards invading the land. When Coronado, over 350 years ago, made his famous march from Mexico to the buffalo plains of Kansas, in vain search of the seven cities of Cibola, he had no serious trouble with native tribes which, in another half century, goaded by the conquistadores, became the terrors of the desert. The reader of Parkman's "Oregon Trail," a classic in the early literature of the West, will find, to his surprise, that white men were welcome guests among the Sioux. Parkman, himself, lived with this great tribe, migrating with it, and standing in no peril of his life. It was only when the pioneer advance across the plains came on and Indians were treated as wild beasts, that the Indian question became acute. Swindled by traders, driven from their homes, shot at whenever they came in sight, treaties with them violated, it was not strange that the American aborigines turned into wild beasts and barred their white foes in turn. They are conquered now; but they might have been conciliated long ago.

Of course the Germans will subdue the Herero blacks; they cannot afford to do otherwise; but that the blame for the rebellion is theirs to bear is a fact established by their own testimony.

Gen. George M. Sternberg suggests, in one of the Reviews, that organized effort on the part of the Government to protect the health of the laborers and others on the Panama canal would be effective at no great cost. He proposes first, to bring drinking water in pipes from the mountains and distribute it along the ditch, prohibiting the use of any other save sterilized bottled water; second, to compel every man to sleep under a mosquito bar; third, to use petroleum upon all places where the mosquito breeds; fourth, the service of a hospital corps modelled upon that of the army for taking care of the sick. With these precautionary adjuncts, General Sternberg believes the canal can be built without any extraordinary mortality.

Every now and then, when a sale of reality is made, an unknown mortgage turns up which, if paid, had never been cancelled. In land recording here an amazing laxity has prevailed, with the result that many titles are unnecessarily clouded. The Torrens law enables the land-owner, at slight expense, to get a new title, back of which a search need not go, and enables the land-buyer to be perfectly assured that what he buys is his. It would be a pity to lose the reality guarantees which the Torrens law confers, a proposition upon which lawyers and real estate experts are united.

The Russian fleet can get no great consideration when, on every appearance of the Japanese naval forces, it hugs the forts and plays "long ball" with the enemy. A Farragut or a Paul Jones would go to sea in that fleet and do something with it, not challenge the Japanese to meet it inshore, where the forts may take a hand. Each appearance of Admiral Togo is an invitation to Admiral Makarov to come out and fight, but the Russian commander usually has business right at home.

While the Pacific Mail service across the ocean has been reasonably free from disaster, the Panama route has, first and last, cost that company many steamers. In forty years from 1849, over thirty were lost; and since then there have been several, including the ill-starred Colima. Of the trans-Pacific vessels we only recall the loss of the Rio, the City of Tokio and the City of New York. Yesterday's dispatches added the Colon to the list of Pacific Mail Panama steamers piled up on the rocks.

Things seem to be brewing in the war district. A cannonade heard from Cherone is supposed to mean a naval engagement between there and Port Arthur. Signs of trouble are also noted on the Yalu. Nanchang has been in a panic for some days.

LANDSMEN VS. SEAMEN.

The Russians are landmen, who have no taste for the sea. Since the time of Peter the Great, father of the Russian navy, they have played an inglorious part on the deep waters. Paul Jones, when he became Grand Admiral of the Czarina's navy, despaired of getting order and efficiency out of the chaos and demoralization in which the Black Sea fleet was involved and he came to his death from a cold caught while examining the hold of his flagship for proof of official neglect. He found that the navy was a mere makeshift, used by its officers to rob the government. It was of but slight fighting value, although, under his command, it had won some advantages from the Turks. During the Napoleonic wars the navy hid from the French and in the Crimean conflict its vessels were self-sunk to prevent their capture by the allies and for the protection of a harbor from the entrance of the enemy's boats. The story of naval incapacity in the present war is a familiar and augmenting one.

Russians are essentially a land-tilling, a sheep-herding and horse-raising people. Their ports being frozen so many months of the year they have but little time and but a limited incentive to navigate salt water. Having ample fisheries in rivers and bays, their pursuit of deep sea-fish is not keen and not being a manufacturing race, engaged in export trade, their maritime commerce has never been great enough to create such a seafaring class as a navy needs behind it. Finally the bulk of the population lives in the interior away from the fierce ocean storms which make the coast bleak and inhospitable. A navy for such a people is an anachronism; almost as much a one as it would have been for the South African Dutch.

Circumstances have made the Japanese good sailors from immemorial times. Their small, crowded islands, set in a propitious sea, have inspired the ocean-going spirit; and the need of food has kept the people fishing. Probably a million men are required for the off-shore fisheries, there being no rivers of any consequence to supply fishy provender. Off Japan, as off New England and Canada, a hardy race of seafarers has been reared; and when war comes such men are ready and qualified to join the navy. Many of them were born and brought up in junk, only going ashore occasionally as other men go to sea; and many are descended from the fierce buccaners who, for centuries, harried the Chinese and Korean coasts.

When the Russian sheep-herder goes out in ships-of-war to meet the Vikings of the Far East, but one thing can happen; and that thing has been happening right along ever since the present war began.

It is not at all certain that the Russian battleship which turned turtle off Port Arthur yesterday struck a Russian mine. A fortnight ago the news came by cable that the Japanese, failing to blockade Port Arthur with stone-throwing merchantmen, had laid a cordon of mines between the mouth of the harbor and the open sea. Ordinarily a warship can thread its own mine system with ease, the whereabouts of the explosives being accurately marked on the charts and otherwise indicated. But it cannot locate an enemy's system and must take chances when approaching it. It is quite possible that the Japanese drew Makarov far enough out to expose him to the destructive contact torpedoes with which they had formed their inner line of blockade. If not, and the Petropavlovsk went amuck among its own submarine defences, the humiliation of the Russians can be scarcely less. To be hoist by one's own petard is not a more distinguished end than to be hoist by the enemy's.

There will be no objection, so far as we can see, to a self-supporting militia. If the local regiment can take care of itself by giving luau and minstrel shows, we will all buy tickets and help the thing along. Uncle Sam's help will also be admired. Such an experiment will be watched with interest and if it succeeds, the taxpayers will cheerfully credit themselves at each biennial period hereafter with the money which public support of the citizen soldiery might have cost.

The third disaster to the Russian fleet makes it improbable that the Czar's navy will attempt to cut much of a figure in the further struggles of the war. Every effort will be made by the army to retrieve the prestige lost at sea, and some desperate fighting may be looked for. Those who know the combatants feel sure that Japan will render as good an account of herself ashore as afloat though they do not underrate the soldierly character of the Czar's army.

The credit for the conviction of Matsumoto Moritomo, the murderer of A. H. Glennan, undoubtedly belongs to Chester Doyle. Mr. Doyle overheard Japanese suspects conversing and learned through them the whereabouts of Matsumoto, who had come to this island. An arrest followed and the defendant confessed to the fact in court and clinching the crime upon the man who committed it.

The Legislature is redeeming itself and doing service to the Republican party. It has risen to the emergency and seems to be honestly striving to put the Territory on a business-like basis. If the policy continues and the session is made short, the prospects of Republican success next November will be increased.

It is rather a pity, when so many water-cured Americans from the Philippines are getting free rides to the St. Louis Exposition and back that Hawaii can't even get its hand, which learned to play the Star Spangled Banner long before the Philippines ceased to be Spanish, a show on the invitation route.

The Czar's fleet of submarines is increasing fast.

PORT ARTHUR.

An expert military writer in the Illustrated London News says that Port Arthur is a most difficult place to defend unless protected by a fleet of ships outside. Although the place has many forts the guns are not heavy enough to keep an enemy at a distance; and they are mounted on so high a place that they cannot be depressed sufficiently to fire on torpedo boats operating close inshore as the Japanese flotilla did on the night of the first attack.

Another defect which the London writer observes is that the forts are too close to one another. "Those inshore doubtless receive any shells that are meant for those on the immediate sea border, if the range be too great. They are, moreover, placed so close to the town, shipping and harbor that a ricochet from the fort would probably land in the town; or if the direction of the shell were correct it might hit either the fort on one side, the town in the middle, as did actually occur, or the fort or railway on the other side. It was doubtless for this reason that the Viceroy did his best to remove all business houses and shops of every description to Taitien-Wan, and is another reason, together with the food question, for the present exodus of both civilians and troops."

Again, Port Arthur can be commanded by all sides by a hostile fleet once the defensive fleet has been bottled up. There are positions on two flanks where ships of war may sweep the neck of the isthmus connecting Port Arthur with its back country, thus preventing the receipt of reinforcements and supplies. This is why Admiral Alexieff was so quick, after the outbreak of war, to remove his headquarters to Harbin.

Small, compact, easily bombarded, readily cut off from supplies, unhealthy in the close air of its amphitheater of hills, Port Arthur is believed to be an untenable place, which the Japanese will eventually reduce with the aid of their fleet alone.

The taxpayers had enough of the old county system in the short time it ran and they are not disposed to add to their present burdens for the sake of restoring it. Counties are luxuries, and this is the day for the bare necessities of government for simplifying our administrative forms and saving money wherever we can. The Legislature is meeting to cut down expenses, not to increase them; and the voters are not disposed to elect a Legislature which will go back to the old or go sideways to the new extravagances. The only way the county system could be afforded is by skeletonizing the Territorial government by Act of Congress and establishing a single county by act of Legislature with each island a township to be governed by an unsalaried Board of Trustees and represented by a paid supervisor. Only in this way could the county system be recognized without harm to the taxpayers. But why recognize it at all? There are no counties in Alaska, nor in the District of Columbia, nor in the area embraced in greater New York. Can't we get along without superfluities as well as they?

The blessing bestowed upon Admiral Makarov by Father John of Cronstadt may have led the Admiral to think he had a charmed life. That is one of the disadvantages which soldiers of a superstitious turn of mind experience in war. The laying on of hands prompts them to depend on the finite promise of infinite aid and they cease to depend on their common sense, which is the best safeguard they have in battle or anywhere else.

The Senate can do itself and the Territory no good by blockading the plans of the Governor. The people evidently want the Legislature to give the Executive a chance and are not in favor of an insurgent movement in either House. Senatorial power can be put to no better use than to stand with the Governor for economy, retrenchment and reform and thus perfect the good work which the House has done so much to shape.

OIL FOR THE BODY.

You can't lose an atom without feeling it. The body is like an engine, a machine; must be kept in good order to run right.

That's the reason Scott's Emulsion is so successful in all wasting diseases. It feeds, nourishes and strengthens when ordinary food won't.

Doctors say Scott's Emulsion is the best nourishment for those who are not as well as they should be.

We use the whole oil in Scott's Emulsion because the great reputation of cod liver oil as a food and medicine was made by using it in this way. Substitutes in the shape of wines, cordials, extracts, etc., should be carefully avoided.

SCOTT'S EMULSION, 221 Broadway, New York.

COMMERCE AND WAR.

Some interesting figures regarding the commerce of the United States with the various countries of the world are presented in the usual monthly statement issued by the Department of Commerce and Labor through its Bureau of Statistics. The statement covers the eight months ending with February, 1904, and compares conditions in those eight months with corresponding periods of earlier years. The total exports from the United States to all parts of the world during the eight months ending with February, 1904, were valued at 1,048 millions against 982 millions in the corresponding months of last year, and the imports were 654 millions in value against 681 million dollars in the corresponding months of last year.

To Europe the exports from the United States were 795 millions against 728 million dollars in the corresponding months of last year, and the imports were 341 millions in value against 371 millions in the corresponding months of last year. Thus the exports to Europe show an increase of 57 million dollars and the imports from Europe a decrease of 40 million dollars in the eight months' period under consideration. To North America, other than the United States, our exports were 150 millions against 155 millions in the corresponding months of last year, an increase of 15 million dollars, and from North America, other than the United States, our imports were 113 millions against 116 millions, a decrease of 3 millions. To South America our exports were 35 millions against 27 millions last year, and from South America our imports were 88 millions against 68 millions in the corresponding months of last year. To Asia our exports were 39 millions against 41 millions in the eight months of last year, and our imports from Asia were 97 millions against 104 millions in the corresponding months of last year. To Oceania our exports were 23 millions against 20 millions in the corresponding months of last year, and our imports from Oceania were 14 millions against 14 millions in the same months of the preceding year. To Africa our exports were 14 millions against 25 millions in the corresponding months of last year, and from Africa our imports were 6 millions against 9 millions in the same months of the preceding fiscal year. Thus, the increase in exports is exclusively to Europe, North and South America, while Asia, Oceania, and Africa show, in each case, a decrease.

To Asia the reduction is presumably due in part to existing hostilities which unsettled trade and in part to the very high prices of cotton, which reduced the exports of cotton to Japan from 70 million pounds in the eight months ending with February, 1903, to 20 million pounds in the eight months ending with February, 1904, making the reduction in value of raw cotton exported to Japan alone about 4 1/2 million dollars.

To China exports from the United States continue to show a marked reduction as compared with the preceding two years. Our total exports to the Chinese Empire for the eight months ending with February, 1904, were \$3,174,556, against \$12,440,331 in the corresponding months of last year, and \$15,468,320 in the same months of the fiscal year 1902. For the month of February, 1904, our exports to China were \$1,894,423, against \$2,022,676 in February, 1903. This reduction is apparently due in part to the hostilities in northern China, which have had a very general effect upon trade conditions in that Empire, in part to the invasion of the markets of China by cotton cloths from Japan, and in part to the growing manufacture of cotton cloth produced largely from yarns imported from Japan and India, consumed in part in the cotton factories recently established in China and largely distributed for use in household weaving of cotton cloths for domestic requirements. Still another important cause is, as already noted, the great increase in prices of cotton cloths due to the high price of cotton during the last year. The reduction in exports of cotton cloths from the United States to China was from \$10,944,338 in the eight months ending with February, 1902, to \$2,762,076 in the eight months ending with February of this year.

To other sections of the Orient our exports show an increase, the total to Asia in the eight months ending with February being \$38,996,741, against \$41,214,683 in the same months of last year, a reduction of \$2,347,741, while in the exports to China alone the reduction is \$4,255,775, thus indicating an increase to Asia other than China.

To Russia, both in Europe and Asia, the exports from the United States continue to show an increase. To Asiatic Russia, including Port Arthur and the immediate adjacent territory, which is under lease from China, our total exports in the eight months ending with February were \$771,150, against \$763,719 in the same months of last year; to Russia on the Black Sea, \$2,555,604, against \$1,558,435 in the same months of last year; and to Russia on the Baltic and White seas, \$1,291,474, against \$1,544,477 in the corresponding months of last year. Thus, our exports to all Russia in the eight months ending with February were \$4,618,228, against \$4,866,631 in the corresponding months of last year.

LOCAL KEVITIES.

(From Wednesday's Advertiser.)
B. F. Dillingham is going to the Coast.

Andrew Cox and W. W. Goodale are the delegates elected to the Republican convention from Waialua.

It is reported at the Naval Station that the New York and Birmingham will arrive here May 10 and will leave immediately.

Dr. N. Russell of Oahu, who has just returned from the Far East, yesterday called on Governor Carter, of whom he was a Senate colleague in 1901.

Senator Arch's depository bill is intended to put loan money into circulation while it awaits the Government's convenience in expending it upon public improvements.

Amama, an employee of the William C. Gregg Company is missing. He is suspected of having embezzled between \$800 and \$1000 of the company's funds. The police are searching for him.

Barracks to accommodate 500 immigrants, intended for Japanese, have been nearly completed on Quarantine Island. Dr. Coker, chief quarantine officer, is supervising the construction.

An old Portuguese laborer named Joe B. Estrella was killed in a collision on the Waialua plantation railway last Saturday. The dead man leaves a large family, most of the children being grown up.

Kalama Hana, the native who was stabbed in the PUNCHBOWL cutting affray on Monday night, was reported last evening to be doing well at the Queen's Hospital. He was dangerously wounded but has the advantage of possessing a remarkably strong constitution.

Jas. F. Morgan, F. J. Lowrey and J. A. Kennedy, the legislative committee of the Chamber of Commerce, conferred with the Governor yesterday afternoon over the matter of putting loan funds to some use pending their expenditure on the objects designated by the Legislature. The depository bill introduced in the Senate is intended to meet the case.

District Attorney Breckons has examined the leases of Kahanui properties wanted for the U. S. Army Post and forwarded a favorable report thereon to Washington. About \$18,000 are required to secure the transfers to the Federal Government. The leaseholders are the Star Dairy Co., Mrs. John Grace, the J. L. Dowsett Estate, Ltd., and some Chinese.

Governor Carter gave a fatherly talk to members of the Senate after that body adjourned, in its chamber, yesterday afternoon. A little later the Governor was "drilling" a squad of Representatives on the front veranda of the Capitol, who seemed to relish the opportunity of such an informal conference with the executive.

About all the lawyers in town, besides some of the judges, have signed a memorial in favor of the appropriation of \$4000 to keep the Land Registration Court going. Comments are given over some of the signatures, to the effect that the abolition of the Torrens system would be a backward step and that the system should be made compulsory as to estates of deceased persons.

(From Thursday's Advertiser.)
Matsumoto Moritomo, the convicted murderer of Glennan, was brought from Kauai yesterday and placed in Oahu prison.

Amama, the missing clerk of the Gregg Company, is said not to have embezzled money but to have forged and cashed a check for \$1000, which he did the more easily because the firm's name was stamped on the paper.

Judge Dole decided the British bark Ivanhoe case, awarding damages against the vessel for cruelty as follows: To W. B. Dyer, A. Anderson and V. A. Bitner, the wages of ordinary seamen—\$8 10c, a month—from June 26, 1903, to March 28, 1904, with costs, subject only to charges for supplies from the ship's store chest. As to J. H. Bayer, the libel is dismissed with costs.

"Charlie" Clark has denied that he announced on the evening of the primary election his intention to leave the Republican party. Clark might not have been in a condition to know what he was saying, but a half dozen men heard him make the emphatic statement that he was done with the Republican party forever. Moreover he asked an Advertiser reporter to publish the statement that he was through with the Republican party, and when he was told in reply that he wasn't telling anything new, Clark threatened to whip the Advertiser man. Senator McCandless and half a dozen others heard the statement which Clark says "was an absolute falsehood."

It is reported that Edmund Hart may receive appointment as clerk for Judge Kepoika's court on Maui.

The America Maru is expected tomorrow from Yokohama. She has 2000 tons of freight for Honolulu.

Members of the House have been invited by Governor Carter to a dinner at the Young Hotel to be given on Saturday evening.

On July 1, five of the recent working force in the Public Works Department will be dropped, and two in the Treasury Department.

The opposition to the sewerage bill in the Senate was under way yesterday afternoon, after the adjournment, to be withdrawn at the price of radical cuts in the rates.

At the paying off of the Federal grand jurors Edward D. Tenney, foreman, endorsed his draft to G. E. H. Baker, clerk of the grand jury, and handed it to him as a token of appreciation of the able and courteous manner in which he had discharged the duties of his office.

Large volumes of painting by the Hawaiian States have been in the hands of the Hawaiian State painter, who is now painting the interior of the new building at the Hawaiian State.

Catarrh

Invites Consumption

It weakens the delicate lung tissues, deranges the digestive organs, and breaks down the general health.

It often causes headache and dizziness, impairs the taste, smell and hearing, and affects the voice.

Being a constitutional disease it requires a constitutional remedy.

Hood's Sarsaparilla

Radically and permanently cures catarrh of the nose, throat, stomach, bowels, and more delicate organs.

Read the testimonials.

No substitute for Hood's acts like Hood's. Be sure to get Hood's.

"I was troubled with catarrh 20 years. Seeing statements of cures by Hood's Sarsaparilla resolved to try it. Four bottles entirely cured me." WILLIAM SHERRAN, 1000 6th St., Milwaukee, Wis.

Hood's Sarsaparilla promises to cure and keeps the promise.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWERS & COOKE.—(Robert Lewers, F. J. Lowrey, C. M. Cooke.) Importers and Dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Manufacturers of every description made to order.

HONOLULU STOCK EXCHANGE.

Honolulu, April 14, 1904.

NAME OF STOCK	Capital	Val.	Bid.	Ask
MERCANTILE.				
C. Brewer & Co.	\$1,000,000	100		100
SUGAR.				
Ewa	5,000,000	20	19 1/2	
H. W. Agricultural	1,500,000	100		100
Haw. Sug. & Lumber Co.	2,000,000	100		100
Hawaiian Sugar Co.	2,000,000	20	21	
Honolulu	750,000	100	100	110
Kahala	2,000,000	20		14
Kahuku	500,000	20		19 1/2
Kihikihi Plant Co., Ltd.	2,500,000	50		52
Kohala	100,000	100		100
Kona	500,000	100		100
Mohiye Sug. Co., Ltd.	3,500,000	20		2
Oahu Sugar Co.	3,000,000	100		80
Panama	1,000,000	20	24	
Oakland	500,000	100		100
Olas Sugar Co., Ltd.	5,000,000	20		6 1/2
Olowalu	150,000	100		100
Panama Sug. Plant Co.	500,000	50		50
Pacific	500,000	100		100
Pala	750,000	100		100
Pepeskee	750,000	100		100
Pioneer	2,500,000	100		77 1/2
Waialua Agri. Co.	500,000	100		87 1/2
Waialuku	500,000	100		100
Waianae	250,000	100		100
STEAMSHIP CO.				
Wilder S. S. Co.	500,000	100		100
Inter-Island S. S. Co.	500,000	100		100
MISCELLANEOUS.				
H. W. Electric Co.	500,000	100		55
H. W. T. & L. Co.	1,000,000	100		87 1/2
H. W. T. & L. Co.	1,000,000	100		87 1/2
Mutual Tel. Co.	100,000	100		87 1/2
O. & L. Co.	4,000,000	100		75
Kilo & K. Co.	1,000,000	20		20
BONDS.				
Haw. Gov't, 5 p.c.				15
Haw. Ter., 4 p.c. (Vint.)				
Hilo R. R. Co., 5 p.c.				
Hon. B. T. & Co., 5 p.c.				104
Ewa Plant, 5 p.c.				100
O. & L. Co.				100
Oahu Sugar Co., 5 p.c.				100
Olas Sugar Co., 5 p.c.				100
Waialua Ag. Co., 5 p.c.				100
Kahuku 5 p.c.				100
Pioneer Mill Co., 5 p.c.				100

METEOROLOGICAL RECORD.

By the Government Survey, Published Every Monday.

DAY	DATE	BAROM.	TEMP.	REL. HUM.	CLOUDS	WIND	WAVE
Day	Apr.	Bar.	Therm.	Hum.	Clouds	Wind	Waves
1	11	30.05	79.58	88	79	02 55 4.10	SW 1-0
2	12	30.04	79.51	88	79	02 58 2.0	SW 1-0
3	13	30.03	79.51	87	79	02 58 10	SW 1-0
4	14	30.02	79.51	84	78	01 57 10	SW 1-0
5	15	30.01	79.51	81	78	01 57 10	SW 1-0
6	16	30.00	79.51	81	78	01 57 10	SW 1-0
7	17	29.99	79.51	81	78	01 57 10	SW 1-0
8	18	29.98	79.51	81	78	01 57 10	SW 1-0

* NINE-NINE.
Barometer corrected to 32 F. and sea level, and for standard gravity of Lat. 45. This correction is -46 for Honolulu.

TIDES, SUN AND MOON.

Days	Apr.	High Tide Large.	High Tide Small.	Low Tide Large.	Low Tide Small.	Sun sets.	Moon sets.
M	11	6.08	1.18	7.12	8.04	5.44	6.10
T	12	1.19	1.14	7.12	8.04	5.44	1.11
W	13	1.21	1.14	7.12	8.04	5.44	1.31
Th	14	1.21	1.14	7.12	8.04	5.44	1.55
F	15	1.21	1.14	7.12	8.04	5.44	1.59
S	16	1.21	1.14	7.12	8.04	5.44	1.59
S	17	4.17	1.14	8.44	9.42	5.40	6.25
S	18	4.17	1.14	8.44	9.42	5.40	6.17
M	19	4.30	1.14	8.44	9.42	5.40	6.12

ESTATE TAX CASE

Dissenting Opinion By Justice Perry.

Justice Perry takes a turn at dissenting in the tax appeal of John I. Estate, Ltd. A majority opinion written by Chief Justice Frear, signed by Justice Galbraith with the author overrules the grounds of appeal but modifies the assessment.

The taxpayer's return was for 8000 acres of kula land, ahupuaa of John I. Estate, Ltd. A majority opinion written by Chief Justice Frear, signed by Justice Galbraith with the author overrules the grounds of appeal but modifies the assessment.

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ly reason for not paying its one-third was that Pearl Harbor was not decided to be open for commerce.

It is further declared by Mr. Hartwell that there is now on file in the office of the Superintendent of Public Works of the Territory of Hawaii official correspondence of Hon. H. E. Cooper, now one of the attorneys of H. Hackfeld & Co., Ltd., then Superintendent of Public Works, with United States Army officers showing that the work mentioned in said contract has been done and completed.

H. Hackfeld & Co., Ltd., by its attorneys, Kinney, McClanahan & Cooper, promptly filed a refusal to admit the stated facts.

COURT NOTES.

In the foreclosure of mortgage of H. Hackfeld & Co., Ltd., vs. W. C. Achi, Kapiolani Estate, Ltd., W. R. Castle and J. M. Monsarrat, defendant Monsarrat answers with admission of the allegations and consent to the prayer.

Before Judge Gear plaintiff in the assumpt suit of Oriental Life Insurance Co., Ltd., vs. Wu Shing consented to voluntary non-suit. W. R. Castle and W. L. Whitney for plaintiff; C. W. Ashford for defendant.

Ernest Pardon has been granted leave by the Supreme Court to withdraw his appeal from Judge De Bolt's decree in the matter of the estate of August Kraft, deceased.

Francis R. Day by his attorneys, Smith & Lewis and Louis J. Warren, demurs as a defendant in the suit of W. H. Pain vs. Paul Muhlenhoff, and others, declaring that he never was a copartner with the plaintiff.

Judge Gear's jury was in attendance yesterday, but eighteen cases were called without finding one in which the attorneys were ready for trial.

THE EWA OUTRAGES

The Trial in Progress. Godfrey-Kidwell Decision.

(From Thursday's Advertiser.)

Lee Jim, Chew Hoy, Lee Yok and Loy Yin were placed on trial before Judge De Bolt yesterday, under indictment for robbery in the first degree. The case has relation to the outrages committed on the Ewa road last year. W. S. Fleming, Assistant Attorney General, appeared for the prosecution; R. G. Middleitch for Loy Yin, J. A. Mathewman for Lee Jim and Henry Hogan for Chew Hoy and Lee Yok. Through challenges the jury panel was exhausted in the morning and a special venire was issued for 15 talesmen, returnable at 2:30 p. m. After the return was made the following jury was found satisfactory: C. J. Ludwigsen, Percy Lishman, H. R. Macfarlane, Jr., Henry P. Kaohl, G. Kealohapalapole, W. M. Buchanan, C. J. Falk, James Eklund, John Coffey, Jessin Andrade, J. R. Galt and G. D. Mahone. Only one witness has thus far been called.

KIDWELL WINS OUT.

A majority opinion of the Supreme Court by Chief Justice Frear and Justice Perry, the latter being the writer, denies complainant's motion for a rehearing of the case of Frank Godfrey, as trustee for Thomas Metcalf, against John Kidwell. W. A. Whiting and C. F. Clemens appeared for complainant; Robertson & Wilder for respondents. Justice Galbraith dissents on the grounds stated in his dissenting opinion to the decision that the majority previously rendered in the same case.

The main contention of complainant all through was that Thomas Metcalf, while in his minority, made a sale of property to Kidwell which he confirmed after coming of age and that such sale was made under a misapprehension that the grantor owned but a one-half interest in the property. In its opinion the Supreme Court majority says:

"Our finding was that the deed was not executed under a mistake as to the facts on the part of either party,—that while both doubtless supposed that in all probability the grantor's interest would prove to be not more than one-half, still they speculated, knowing the deed to be operative to convey all the grantor's interest, whatever it might be, and took their chances as to all over as well as to all under one-half."

YOUNG NAP HELD UNDER THE WRIT

Judge Dole rendered a written decision yesterday on the motion to quash the writ of ne exeat in the bankruptcy case of Hoffschlaeger & Co., Ltd., vs. Young Nap, alias Young Lap, doing business under the name of Young Hop Chan. All the objections with a slight exception are overruled and the motion to quash is denied. The claim of the plaintiff is for a balance due upon goods sold and delivered of \$264.20.

When the respondent came to Honolulu recently from Waiakae, Kula, Maui, with his family and secured passage for himself and them in the steamer Sardinia, the writ was served upon the ship and the respondent was taken aboard and just as the ship was about to sail. They all were taken aboard and just as the ship was about to sail. They all were taken aboard and just as the ship was about to sail.

Off to Australia

THE SESSION WILL NOT CLOSE BEFORE MONDAY

Senate Adjourns Too Early To Get Unpaid Bills. Prospect of More Trouble Over the Current Expense Bill in House.

The Legislature cannot now complete its work before Monday. Through a misunderstanding the Senate adjourned yesterday afternoon before receiving from the House the bill providing for the payment of unpaid bills, and consequently that measure cannot be given the required three readings before Monday.

The House reconsidered its previous action in passing the current expense bill and made a number of amendments, relating to the hospitals, in conformity with the suggestions of Governor Carter. The House also refused to pass the bill requiring litigants to pay costs of court, and as a consequence the current expense bill will have to be again amended. It is likely to be reconsidered today and the appropriations for the courts increased.

In the Senate the Depository bill, which Senator Achi regarded as the best measure of the session, was laid on the mortuary shelf after dying hard. At the instance of the Governor, the Salary bill was reconsidered for amendments deemed necessary after the Supreme Court's decision of the test case. Then for the third time it passed third reading on a call of the roll. With an amendment offered by Mr. Dickey, the House joint resolution for a County Act Commission went to the judiciary committee. The Sewerage bill loses one champion for two days in the leave of absence granted to Senator Isenberg.

HOUSE

At the opening of the session in the morning the House concurred, on motion of Kellinoh, in the Senate amendment of the assessor's bill, limiting the amount of commission to five per cent. There was but one negative vote on the final passage of the bill.

The Senate bill repealing the treasury note law of 1893 passed first reading.

Representative Kellinoh presented a petition from the chairman of the Maui board of supervisors for an appropriation of \$3088.75 to repay the expenses incurred on Maui during ten days of county government.

Senate Bills No. 7 and 8, limiting the old appropriation bills to June 30th, 1904, both passed third reading unanimously and were sent to the governor.

The Senate bill, providing for the payment of expenses of the land registration courts from its receipts passed third reading—25 ayes, 3 noes.

Senate Bill No. 9, providing that litigants pay costs of court, was upon motion of Kalamas indefinitely postponed. Andrade wanted it referred to the judiciary committee, but the first motion carried, with fifteen ayes.

Upon motion of Kellinoh the current expense bill was reconsidered on his statement that the decision of the Supreme Court made some changes necessary. A recess was then taken.

AFTERNOON SESSION.

The House did not reconvene until

after three o'clock, when Chairman

Harris of the Finance Committee presented a report favoring the adoption of the unpaid bills measure. He brought in a number of additional bills, including an item of over \$2,400 for the three banks, being money advanced to defray expense of floating the million dollar loan. The bill was then passed as amended with four dissenting votes.

HOSPITALS AGAIN.

Mr. Harris moved also a reconsideration of the current expense bill, and then proposed a number of changes in the reading of the hospital items which carried. The Queen's Hospital item of \$12,000 was stricken out, and instead was inserted an item of \$21,000 to be expended under the direction of the Board of Health in the care of indigent sick at Queen's Hospital, Leahi Hospital and the Kapiolani Maternity Home. Long thought persons sick through accident might not be cared for under the appropriation as proposed, but was satisfied by Harris that they would. The Maluluani Hospital was given \$3,000, the Hilo Hospital \$4,000 and the Eleolu Hospital \$600, all the changes being made by unanimous vote.

Upon motion of Harris, the changes in the expense bill were made to tally expenditures already incurred under the old appropriation acts. The amendments are the same as made in the Senate to the Salary bill, upon suggestion of Governor Carter. Kumale objected that the action would be "retrospective" but his objection had no weight. The bill was finally passed on third reading by a vote of 23 to 5. It carries appropriations amounting to \$399,559.

GARDNER WILDER'S DEATH.

SAN FRANCISCO, April 14.—Gardner K. Wilder, a Honolulu lawyer, died here of pneumonia.



THE LATE GARDNER K. WILDER.

Gardner K. Wilder left Honolulu on the steamer Sardinia to join his wife in the city of San Francisco for the benefit of his health.

Mr. Wilder was a member of the House of Representatives in the territorial legislature, and was a member of the House of Representatives in the territorial legislature, and was a member of the House of Representatives in the territorial legislature.

He received the appointment of Deputy Attorney General, and held that office under different Attorney Generals in the latter part of Queen Kapiolani's reign and in the troubles period preceding the overthrow.

On the death of the late Attorney General, Mr. Wilder was appointed to the office of Deputy Attorney General, and held that office under different Attorney Generals in the latter part of Queen Kapiolani's reign and in the troubles period preceding the overthrow.

JURY BILL KILLED, AGAIN.

Andrade again moved a reconsideration of the vote on the Senate bill taxing court costs to litigants. Kumale raised the point of order that a bill indefinitely postponed could not be considered again at the same session, and quoted the rules of the House, Cushing's Manual and a few other authorities by the yard. Speaker Beckley ruled the point not well taken, and the motion was put and lost, by a vote of 14 to 8.

PAY FOR TYPEWRITING.

Kellinoh presented a resolution fixing the compensation for typewriting at not to exceed fifteen cents per folio. It was adopted without a dissenting vote.

Kellinoh asked for the return of his petition for defraying the expenses of the Maui county, saying that the lists had been drawn up at great expense, and there was no duplicate. He said that the finance committee had not intended to consider the claim.

"That is somewhat of a slam at me," said Harris, the chairman.

"No, it isn't, only the finance committee didn't consider it an unpaid bill," replied Kellinoh.

"The county of Maui is not a department of the government and the bill couldn't be included."

"It was though," replied Kellinoh, "County of Maui, Territory of Hawaii."

"No, it wasn't."

"By jove it was," said Kellinoh, "the legislature created it."

Kellinoh had his petition returned, the incident was closed and the House adjourned until this morning at ten o'clock.

SENATE

Immediately after opening routine yesterday morning, Mr. Kaohi, under suspension of rules, moved to reconsider the nomination of Robert K. Naipo as inspector of election in the 1st precinct of the second district. When he objected the previous day to confirmation of that appointment

SALARY BILL FIXED.

(Continued from page 1.)

administration wanted he did not see why they should fight it. He favored the bill because it treated all alike. He had confidence in the Superintendent and in the Governor. The Governor would never do anything to squeeze the people.

Mr. Paris said that if the Superintendent was bulldozing people, as the previous speaker intimated, he thought it was time they tied him down. Some other bills introduced in the Senate had been turned down because it was said this session was only for the purpose of retrenchment.

Mr. Achi argued that the situation was that half the people were paying because they did not know the law. In answer to Mr. McCandless he said the committee had seen Superintendent Holloway, who was heartily in favor of the charges and wanted a lien on property.

Mr. McCandless began to read a list of charges, when the President asked if they were for the minute or month, and he replied they were per annum. "Well, that is reasonable enough," President Crabbe commented. The speaker said it seemed to him some of them were very heavy charges. Sewers were not put in for the benefit of Honolulu alone. They had benefited the whole islands. Most of the shipping entered Honolulu and sewers were put in to prevent the closing of the port, which would be a disaster to the whole Territory. It had cost him in Nuuanu street nearly \$100 to connect with the sewer. About 1200 people connected would have to pay for the whole system. Last session the House rejected a Senate bill fixing rates, which were not to exceed \$2 for connecting a house. The bill allowed the Superintendent to sell a man's property for failure to pay rates, while in the matter of water all he could do was to cut off the supply. Mr. Achi asked if an execution could not be taken out to enforce water rates, and the answer was perhaps it could but a man's sewers could not be cut out.

The bill was laid on the table, those voting against that disposition of it being Achi, Dickey, Isenberg and Wilson.

EXECUTIVE APPOINTMENTS.

Before the sewerage bill was disposed of, Secretary Atkinson entered with a message from the Governor. This conveyed a list of executive appointments since last session of the Senate, which were now submitted for its confirmation or otherwise. The message was read, but it being now 12 o'clock the consideration of the message was set for 2 p. m., to which hour the Senate took recess.

AFTERNOON SESSION.

Mr. Woods, whenever the Senate resumed at 2 p. m., moved a suspension of the rules to reconsider House bill No. 1. This carried and the mover then proposed a string of amendments to salaries, being certain items previously amended by the Senate, with the following results:

Salary of garbage clerk, \$85 a month, reinstated.

Salary of gunpowder and kerosene all keeper, Honolulu, cut back from \$125 to \$100 a month. Senator McCandless forced a division on this, saying he didn't believe in putting that salary back. They were being stood up by the House. The Superintendent of Public Works told him he was opposed to reducing that salary.

Cut out the words making the clerk of water works also clerk of the garbage department, and cut the salary back from \$125 to \$100 a month.

The bill as thus amended was again passed on third reading, 12 to 1, Kauai giving the only no.

SEWERAGE BILL AGAIN.

Mr. Brown moved suspension of the rules, which carried, to reconsider the sewerage rates bill.

Mr. Isenberg moved as an amendment the insertion of existing rates from the department's printed card. Summarized the rates are as follows, being annual charges:

Dwelling houses ranging from 20 ft. x 25 ft. to 35 ft. x 40 ft. floor space, \$2 to \$5 and \$1 additional for each 300 square feet.

Lodgings, tenements and stores, for every adult, 75c.

Restaurants, saloons and hotels, for five kinds of fixtures in number from one to five each—ur., \$2 to \$10; w. c., \$4 to \$18; wash basins, \$1 to \$3; baths, \$2 to \$5; sinks, \$5 to \$15.

Laundry tubs, \$5 each; floor drains, \$5 each.

Laundries and factories—2 to 6 persons employed, \$5 to \$12; over 6 persons, \$150 each additional.

Stables, each head of live stock, 75c. Mr. Isenberg said the rates were first made by John A. McCandless as head of the department, then carried out by Jas. H. Boyd.

Mr. Paris renewed his previous objection to the bill that it was too much power to put in the hands of one man, and a maximum should be fixed by law. The Governor had told him it was impossible to make charges without authority of law. With amendments he was willing to waive his objections. But yet doubted if the bill could be passed this session when amended by the Senate, it would have to go back to the House.

Mr. Kalanokalani was still for leaving the bill to the regular session.

Mr. Dickey seconded the amendment to insert rates.

Mr. McCandless repeated his objection of the morning that the bill made the few already connected pay for the many not. He moved an amendment that the maximum annual charge should be \$10. People were taxed heavily enough on city property with water rates, garbage removal rates and now sewer rates.

Mr. Paris, the rates having been read, thought the people of Honolulu would consider them very high.

Mr. Isenberg referred members to the

stubs of the books downstairs for proof that the rich were not paying sewer rates as things now stood. The only large block that paid was the Judd building. None but "poor people and Chinese" paid the rates.

Mr. McCandless, if the bill was going to pass, wanted his \$10 limit inserted. Mr. Paris asked him if he would have a one-story cottage charged the same as a four-story hotel, and he answered that not more than \$10 annual charge was his meaning.

President Crabbe queried: "The Young Hotel only \$10 and a small cottage just the same?"

Mr. Achi said that was a foolish amendment. It would enable the owner of several houses on a single tract to pay only the same as the owner of a single cottage.

The amendment was lost and Mr. Isenberg, abandoning his own amendment, moved to pass the bill as it came from the House. Mr. Kalanokalani moved it be indefinitely postponed, which was lost 3 to 4 on show of hands, and the vote being questioned, a rising vote gave 7 against killing the bill. It then passed second reading, 7 to 3, and was ordered read a third time today.

EXECUTIVE APPOINTMENTS.

The Governor's message was taken up for consideration. Mr. Isenberg moved that the Senate go into executive session, but the Senate was overwhelmingly in favor of public consideration of the executive appointments.

At first the names were voted on separately but this was changed to reading the list through, members to state objections they might have to any appointments as reached.

Mr. Kalanokalani objected to J. H. Fisher, Auditor, but only rallied Messrs. Kauai and Kaohi with him against confirmation.

Mr. Paris offered the only other objection, this being to Robert K. Nalpo as inspector of elections for the first precinct of the second Representative district. He explained that there was nothing personal in the objection, but Kau was not represented on the board. The appointment was not confirmed. It was made by Governor Dole.

With the foregoing exception, the appointments were all confirmed in block, on motion of Mr. Dickey, after the reading.

ANOTHER BILL SHELVED.

Mr. McCandless, chairman, presented a report of the Finance committee on Senate bill No. 18, recommending it be laid on the table as being not necessary to the purpose of this special session. This was the chairman's own bill to amend the Act of 1903, making appropriations from the loan fund. The report was adopted.

THE DEPOSITARY BILL.

Only by strenuous resistance did Mr. Achi save his bill providing for Government bank deposits. Mr. McCandless reported on it from the Finance committee. It was "a very good bill," the committee said, but they thought it should be introduced at the next regular session. They recommended it be laid on the table.

Mr. Achi moved the report itself be laid on the table.

"I really believe," he proceeded to say, "that the bill is the most important bill to the public that has been introduced at this session without exception. The committee say it is a good bill, yet say it must be postponed to the regular session. I believe in passing any good bill."

President Crabbe—"What about the County bill?"

Mr. Achi—"The County bill is a good thing, but we have not got time to pass it." He went on to speak of the loan money lying idle in the Treasury running up a big interest bill, when this measure would make it pay interest to the Territory. The bill would put that money into circulation. He introduced the bill at the request of business men. They could pass it this week.

The report was laid on the table to be considered with the bill. Mr. Isenberg raised a laugh by moving it be postponed until Thursday of next week.

At 3:10 the Senate adjourned until 10 o'clock this morning.

JUDGE ALO WILL STAY.

(Continued from page 1.)

contemplates it. And conceding it to be a mistake in the interpretation of the law, how, in view of all the circumstances of the case, can it be said that the action of the District Magistrate was willful—that he purposely favored the Kaplani Estate to the detriment of the defendants in the cause—that he acted not upon an honest, but upon a dishonest mistake of judgment? Every mistake of a Judge or Court, and there are many, does not constitute a ground of removal. There must be something radically wrong, and I do not believe that after a full hearing by the Supreme Court of the facts of this case, and under all the circumstances of the case, that it would find sufficient cause for Mr. Aloi's removal from office.

I have the honor to be, sir,

Very respectfully yours,

E. C. PETERS,

Deputy Attorney General.

THE SCRATCH OF A PIN may cause the loss of a limb or even death when blood poisoning results from the injury. All danger of this may be avoided, however, by promptly applying Chamberlain's Pain Balm. It is an antiseptic and unequalled as a quick healing liniment for cuts, bruises and burns. For sale by All Dealers. Bennett, Smith & Co., Ltd., Agents for Hawaii.

TEST CASE DECIDED AFTER THE OCCASION

Appeal Right on Principle But Recourse Should Have Been Taken to the Appropriations of 1901.

By a concurrent decision of the Supreme Court, Auditor Fisher is nominally sustained but technically overruled in the appropriations test case entitled, "In re Hawaiian Star Newspaper Association, Limited." The appeal from a decision of the Auditor declining to issue a warrant for paying a printing bill of \$251.25 incurred by the tax bureau is dismissed, but without prejudice. Deputy Attorney General E. C. Peters appeared for the appellant, and Holmes & Stanley for the Auditor.

LAW LAIN DOWN.

Following is the syllabus of the opinion, based on the reasoning of Chief Justice Freat who wrote the main deliverance, which shows that the cause for dismissing the appeal is that the Treasurer took the six months' bill of 1903 as the guide for supplying deficiencies in appropriations for the last eighteen months of the biennial period, when, under the saving provision of the Organic Act, he should have had recourse to the appropriation bill of 1901.

"The Legislature failed at its regular session in 1903 to provide for the necessary expenses of the government for the succeeding biennial period. In its extra session immediately after, it passed complete appropriation bills for the first six months of the biennial period, and bills providing for a portion of the necessary expenses of the last eighteen months, but failed to provide for perhaps a half of the necessary expenses for those eighteen months on the supposition that those expenses would be borne by counties under an act which turned out to be void. Held:

"That the expenses so unprovided for could be paid out of the last appropriation bills by the Treasurer with the advice of the Governor under section 54 of the Organic Act, and

"That the last appropriation bills, within the meaning of that section, were those of 1901 and not the six months bills of 1903."

THE ARGUMENT.

"It is not disputed," the court says in the body of its opinion, "that the expenses now in question were necessary current expenses within the meaning of Sec. 54 of the Organic Act."

The court also finds that the Legislature "acted," and did so "in good faith," in making appropriations in 1903, and that its failure to appropriate money for necessary expenses was entirely due to its confidence that the County Act was valid. In a strict sense it might be said to have "acted" if it had only "considered" appropriations and rejected them, but nobody would contend that in such case it had "acted" within the meaning of the law.

There is considerable discussion of the purport of the word "biennial" as applied to legislative sessions and appropriations, the court saying:

"If it means that every appropriation bill must cover a period of two years or that appropriation bills may be passed only once in two years, that is, at the regular session or the extra session immediately following the regular session, there would be extreme embarrassment. In such case most of the appropriation bills thus far passed by the Territorial Legislature might be void, or the Legislature at its present special session might not be able to relieve the present financial situation at all by the passage of appropriation bills. This court has already held that the Legislature could divide the biennial period, by passing one set of bills for the time before the county act should take effect and another set for the time thereafter."

The opinion discounts the idea that the Treasurer and Governor may supplement the action of the Legislature in the exercise of the legislative function of passing appropriation bills. On this the court says:

"Whether those officers could make payments under the last appropriation bills in case the Legislature should intentionally omit a single appropriation as unnecessary without first specifically and independently repealing at its regular session the law, if any, for the execution of which a similar appropriation had been made by the preceding Legislature, it is unnecessary to say. It will be time enough to decide that question when it arises."

On the question of what constitutes the "last appropriation bills," the following shows the court's mind:

"The appropriations of 1901 were the ones to be deemed reappropriated until the Legislature should act and only such sums appropriated in the last appropriation bills shall be deemed to have been reappropriated as are necessary to supply the deficiencies, whether any new bills are passed or not. The new bills replace the old ones as far as they go. The sums reappropriated for necessary current expenses are the 'last' ones with reference to the time spoken of, that is, until they are replaced and only in so far as they are not replaced by the new ones. There is nothing to indicate that the 1901 bills should be applied first and then that a shift should be made to new bills, if any should be passed, for periods not covered by new bills. The previous bills—1901 or other bills—apply to the corresponding times and purposes in the new biennial period except in so far as they are replaced by the new bills."

Reasons are given to show why the six months' bills cannot be the last

expression of the legislative will, the essence being that they might be referred capriciously to any six months of the biennial period. In conclusion the majority of the court—Chief Justice Freat and Justice Perry—say:

"The wording of the appropriation in either the six months' bill or that of 1901 answers the purpose of the voucher now in question, and if this were all that is required, the appeal would have to be sustained. But as the appropriation for 1901 can be drawn upon only by the Treasurer with the advice of the Governor, and as neither of those officers has been shown to have sanctioned such action, the appeal must be dismissed, but without prejudice."

SUPPLEMENTAL OPINION.

Justice Galbraith renders a separate opinion in which the concurrence is only for the dismissing of the appeal. He dissents strongly from the general bearing of the majority opinion, as the following brief extracts from his deliverance show:

"The questions presented by this appeal seem to be, at this time, more academic than practical, since the Legislature is now in special session, having been convened by the Governor for the purpose of enacting financial legislation, and is indicating an earnest desire to provide by proper appropriation for any and all existing deficiencies however occasioned."

"I might be content with this statement were it not for the fact that the decision of the majority of the court gives a construction to Section 54 of the Organic Act that is so wide of my views of the proper construction of that section that not even 'the peculiar conditions' that are said to exist in this Territory, will justify me in passing the question without giving, at least, some of the reasons for my views."

"The conclusion announced in the majority opinion can only be arrived at from the view point that the Legislature is not a coordinate branch of the Territorial Government, but is subordinate and subject to the domination of the Executive or the Judiciary."

"The power of the legislature extends to all rightful subjects of legislation. The appropriation of money for payment of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided by the then existing law, is a rightful subject of legislation. This power includes not only the authority to appropriate money to pay all current running expenses of the government but also the right to determine what shall constitute such 'necessary expenses.' It follows that whatever authority determines the amount and character of the 'necessary current expenses' of the government performing a legislative function."

"The Governor and the Treasurer thought that one set of appropriation bills were reappropriated and proceeded to make payments therefrom. Now this court decides that they were mistaken and that another and different set of appropriations should have been drawn against."

"The Legislature adjourned in May, 1903, and the 'necessity' for these appropriations arose in January 1, 1904, still no one will be able to tell what money was reappropriated by this self acting, automatic Section 54, until the decision in this case is filed. If the use of these appropriations has been so 'absolutely essential' to the preservation of the Territorial Government, as is contended, the poor old territory would have been done for long before the decision of this case if filed for that is as early as it could be known with certainty which were the 'last appropriation bills.'"

"It is suggested that some calamity threatens the territory if this section should be held nugatory and that the construction placed upon it is necessary to the preservation of the Territorial Government. The fear and the claim are equally imaginary and unfounded. The Organic law of this territory has now been in force for almost four years and only one time during this period has any attempt been made to obtain relief from the power claimed for this section, and this attempt was an utter failure, or at least the imagined relief was not essential, for the Territorial Government was preserved without the relief that this section was supposed to afford."

LEGISLATION IS NEEDED

"I believe a great mistake will be made if the bill providing for the garbage and sewer system is not passed," said Governor Carter yesterday. "It is not the policy of the Territory to make appropriations for the garbage and sewer system without first making a law to govern the system."

bill providing for the collection of charges it will be impossible to collect anything for such service. Supt. Holloway has been getting a large number of complaints from householders who say that they want pay garbage or sewer charges under their neighbors pay as well. As it is now, not more than five per cent of the bills are paid and this administration has done nothing to enforce collections because of waiting for the Legislature to enact necessary legislation. I do not see the justice in taxing the whole islands for maintaining the sewer system of Honolulu and don't believe it should be so. We are paying out \$40,000 a year in the garbage service now and I don't know what the cost of the sewers is. It is not just or equitable, but the government will not be able to do anything unless some sort of a law is enacted."

ISENBERG MONUMENT

Unveiling Ceremony at Lihue Takes Place Tomorrow.

(From Thursday's Advertiser.)

Senator D. P. R. Isenberg goes to Kauai today to attend the dedication of the monument to his late father, Hon. Paul Isenberg, at Lihue tomorrow morning. The Senator will perform the ceremony of unveiling the memorial tablet. After the ceremony there will be a luncheon prepared for two thousand guests, given by Mrs. Dora Isenberg. This will take place in the afternoon.

In the evening there will be a concert, to which Senator Isenberg will lend his fine tenor voice—so rarely heard in public lately. After the concert there will be a dance. The Lihue plantation will give all of its employees a holiday for the occasion.

Among the family connections present will be Mrs. Dora Isenberg, Senator Isenberg, H. A. Isenberg, of the Hackfield corporation, and Mrs. Isenberg, M. R. Isenberg, Mother Rice and the Rice family.

The monument consists of a three-cornered stone from Lihue plantation, taken in its natural state and erected upon a pedestal of cemented masonry, bearing in one side a bronze portrait in low relief of the late Mr. Isenberg. It is a stone weighing about seven tons and beautifully adapted for its purpose, and the monument stands eight or ten feet high. The site of the monument is about half an acre in size. It is opposite the old Lihue store and was given by the plantation company for this purpose. The area has been enclosed with a neat fence, while trees and ornamental shrubbery have been planted within it by Mrs. Dora Isenberg, Mrs. Rice and the plantation people. Concrete steps lead up from the road to the enclosure and a cement wall has been erected on one side of the road, where the rise is quite steep, to preserve the grounds.

TREASURER TAKES OFFICE

Treasurer A. J. Campbell formally took charge of the Treasury office yesterday afternoon. Judge Kepolani surrendered the keys about two o'clock and turned over the treasury combination, but with little cash in the strong box. Auditor Fisher immediately began work auditing the books and counting the cash, as is customary when such a change occurs.

Delegates from Lihue to the Republican convention are J. H. Coney, S. Kauli and W. H. Rice. D. K. Kapahie is delegate from Koloa.

Bad Blood

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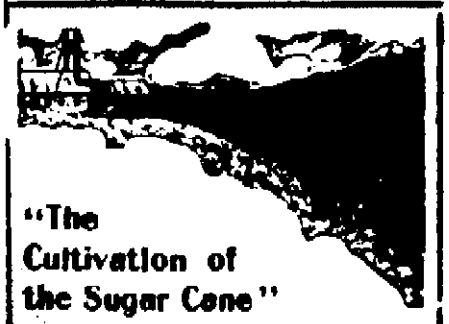


Mr. George Forman, of Mt. Vernon, So. Australia, sends his photograph and this interesting letter:

"I had a very bad case of eczema. Medical men had told me nothing more could be done. I tried all sorts of remedies, but without relief. One day I saw an advertisement for Ayer's Sarsaparilla. I bought a bottle and started to take it. I did not have much sleep, but I had tried so many remedies. To my great surprise, I found that after only a few bottles the scales were falling off my skin. I took just five bottles and made a complete cure. My skin is now perfectly smooth and not a trace do I have of my former trouble."

AYER'S Sarsaparilla

There are many imitations of Ayer's Sarsaparilla. Be sure you get Ayer's. Prepared by Dr. J. C. Ayer & Co., Lowell, Mass. U. S. A.



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Ship Tills E. Starbuck sailing from New York to Honolulu March 1st. FREIGHT TAKEN AT LOWEST RATES. For Freight Rates apply to CHAS. BREWER & CO., 57 Kilby St., Boston. Or C. BREWER & CO., Ltd., Honolulu.

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The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of F. A. SCHAEFER & CO., Agents.

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THE OLD RELIABLE

ROYAL

BAKING
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THERE IS NO SUBSTITUTELIKE LIKE IS A
FINE STEAMER

The new Wilder steamship Likelike, a splendidly constructed steamer, arrived in port early yesterday morning from San Francisco, after having had a good trip and having withstood two days of heavy weather with no difficulty. Captain F. M. Berg, formerly in command of the steamer Hawaii, brought the vessel down from the coast.

The Likelike will probably leave this afternoon on a special trip to Maui and Lanai ports. No time was lost yesterday in discharging the vessel and preparing her for her new work. Captain Napala, former master of the Lehua, was early aboard the Likelike and received many congratulations on his promotion to the command of the new steamer.

MODERN IN ALL RESPECTS.

The Likelike is a modern vessel in every way and is said to have cost the steamship company about \$50,000. She was built by the Union Iron Works at San Francisco under the supervision of Constructing Engineer Johnson, of the Wilder Company. She is 130 feet long and has a thirty foot beam. She has ample cargo capacity and space upon deck for carrying a large number of cattle. For passengers she has capacity for twenty-one first-class and one hundred deck. The first-class passengers' quarters, as well as those for the officers of the vessel, are much superior to the average accommodations found on inter-island vessels. The staterooms are large and airy contain two bunks, a sofa, and are of more than average height. The dining saloon of the vessel is a very handsome one. It is well lighted, has a high ceiling, and a neat companion way running to the upper deck. The deck room for the first-class passengers is ample. The decks are wide, protected by good railings, and in every respect spotlessly clean.

The vessel has all modern machinery. Her engines are first-class as is every other item of machinery from the winches to the telegraph connecting the pilot house with the engine room. Captain Napala's quarters are just aft of the pilot house and are very commodious. The vessel's speed is thirteen and one-half knots.

The Likelike will carry a crew of a captain, two mates, three engineers, two oilers, three firemen, one watchman, six deckhands, and four men in the steward's department.

HAS A CLEAN RECORD.

Captain Napala, the native skipper of the Likelike, has a clean record. He has been to sea here for many years and has never had a mishap. It is curious that Napala, who served as a sailor on the former steamer Likelike about seventeen years ago, should secure the command of the new Likelike. After serving three years, as a sailor on the Likelike Napala served in a similar capacity on the steamer Mokoli. He then took a shore position for about four years. Returning to the service of the Wilder Company he went out again on the steamer Mokoli as chief mate, holding the place for about fifteen months. He was then placed aboard the schooner Golden Gate as chief mate and after holding this position for about three months was given command of the vessel. He remained on board for seven months as skipper. Afterwards the Golden Gate was wrecked by another captain on Lanai. Napala did so well as captain of the Golden Gate that he was promoted to the command of the steamer Mokoli. During the plague times he was chief mate of the steamer Helene for one trip. He again took command of the Golden Gate and later took the Mokoli again, commanding her for about a year and six months. He then took charge of the Lehua. As captain of the Lehua he piloted that vessel on many dangerous voyages through the Molokai channel and to the ports and rough landings on Maui, Lanai, and Molokai. He is known as a very careful and cool headed man.

Notable Improvement.

The Wilder Steamship Company is installing telegraph systems on all of its steamers. Heretofore the gong system has been in vogue on these vessels for communication between the bridge of each of their vessels and their engine rooms. The telegraph system is the same as is in use on all ocean liners and goes a long way towards insuring that the commands as given from the bridge will not be mistaken in the engine room and in this way insuring against accidents.

Command for Louis Self.

Louis Self, a well known inter-island steamer officer and until this time mate of the steamer Kinau, has succeeded Captain Napala as master of the steamer Lehua.

Many Soldiers Desert.

During the official year the army lost 7 per cent of its enlisted men by desertion, or enough to make six full regiments. Half as many were dishonorably discharged.

CZAR ATTENDS A
SOLEMN REQUIEM

(Continued from page 1.)

JAPAN'S ARMY AT WIJU.

SHANGHAI, April 15.—The main force of the Japanese are at Wiju. Future landings will be made near Chulsan. Seventy wounded Japanese soldiers have been sent home from Wiju.

FIRING AT PORT ARTHUR.

CHEFOO, April 15.—Intermittent firing was heard at Port Arthur all day Thursday.

COURTESIES FROM KOREA.

SEOUL, April 15.—Yi-Chi-Ying has left for Japan to return the Marquis Ito's visit and carry presents to the Mikado.

AFTERNOON REPORT.

ST. PETERSBURG, Russia, April 14.—An official report from the naval battle at Port Arthur states that Japanese torpedo boats sunk the Russian torpedo-destroyer Bezstrashni. Forty-five officers and men of the destroyer's crew perished.

The Russian battleship Pobeda, an 18-knot ship of 12,674 tons, was damaged in the engagement, but there was no loss of life.

Detailed reports of the loss of the Petropavlovsk state that the entire staff of Admiral Makaroff went down with their commander and were drowned.

JAPANESE REPORTS.

The following cablegram was received at the Japanese Consulate yesterday morning:

Washington, April 14.

TO SAITO.

We report that Admiral Uriu states that according to the report made to him by the third flotilla of torpedo-boat destroyers on the 13th of April, our fleet made another attack on Port Arthur and during the engagement one of the enemy's battleships, which in size and shape seemed to be the Petropavlovsk, has been sunk and also one of their torpedo-boat destroyers.

None of our ships sustained any injuries. No official report has been received from Admiral Togo yet.

TAKAHIRA.

TOKIO, Japan, April 14.—The Japanese claim that the Russian battleship Petropavlovsk was destroyed by a mine laid by the Japanese. The fleet had placed mines outside the line of Russian defense and it is claimed that one of these was what the Russian vessel encountered with such deadly effect.

MISSOURI DEATH LIST.

PENSACOLA, Fla., April 14.—Two more seamen are dead from injuries received in the explosion yesterday on board the battleship Missouri.

CREMATORY MAY BE
PUT INTO OPERATION

The Public Works Department is attempting to rebuild the government crematory which, since it was purchased several years ago at a cost of over \$20,000 has been allowed to go to rack and ruin on the waterfront. The machinery for the crematory was bought with the intention of constructing it immediately, but once the material arrived it was discovered that the legislature had made no appropriation for its erection, and since then the crematory has been exposed to all sorts and conditions of weather and is in very bad shape.

Superintendent Holloway set men to work the other day attempting to rehabilitate the machinery but is not certain whether the attempt will be a success or not. The legislature at the last session made an appropriation of \$10,000 with which to erect the cremator

and the Public Works Department is now at work trying to get some return from the first investment of about \$23,000 already made. The crematory is made up of brick furnaces and considerable iron work, which has been allowed to rust. The bricks are still good, although the foundation for the plant which was commenced during the plague epidemic is badly in need of repairs. The big smoke stack is also rusted and Supt. Holloway is having all the parts of the plant scraped, cleaned and painted. The lumber is rotted and will have to be replaced, but otherwise unless some parts of the plant are missing, Supt. Holloway believes it possible to put the crematory in working order. Once this is done, Mr. Holloway believes that the plant will be made to give some return, as the product of the crematory is available for fertilizer pur-

U. S. GRAND
JURY REPORTIndictments of Eleven
Persons, Mostly
Japanese.

Upon the fourth day after being sworn in, the grand jury presented its final report in the United States District Court yesterday morning. Judge Dole discharged the grand jurors, thanking them for their earnest work and public spirit, whereupon they filed into the clerk's office and received drafts covering their fees.

The report showed that the grand jury had found eleven true bills and in two cases investigated found no bills. Following is the list of the persons indicted, with the offenses charged:

THOSE INDICTED.

Saburo Adachi, perjury.
Torakichi Shoda, importation of women for purposes of prostitution.
Hikotaro Yoshinaga, adultery.
Kobuke Nitchi, forgery postal money order.
Shichiro Murakami and Maki Makimoto, adultery.
Naka Matsumoto, bigamy.
Ougi Shigematsu, Kunitaro Suga and Nadi Tsunekichi, holding a person to a condition of peonage and selling a person into involuntary servitude; two counts.
Ougi Shigematsu, Kunitaro Suga and Nadi Tsunekichi, conspiracy.
Nadi Tsunekichi, adultery.
Yonekichi Kimura, illicit distilling and carrying on business of distiller. Two counts.
Frank Testa, mailing obscene matter.

One of the defendants, Kobuke Nitchi, has already pleaded guilty and been sentenced. Adachi will plead to his indictment on Thursday next, all the rest having their arraignments set for tomorrow.

CARELESS POSTAL DELIVERY.

Referring to one of two cases in which no bill was returned, that of Juan Storer charged with "taking and detaining mail addressed to another person," the grand jury in its report says:

"We desire to express our opinion that the post office authorities at the post office of Honolulu should exercise more care in seeing that mail is delivered to the persons to whom the same is addressed than was shown to have been exercised in the case we have investigated."

JAPANESE MARRIAGES.

In regard to a case wherein it was shown a Japanese man and woman were intermarried in Hawaii notwithstanding that the woman had been previously married to another man in Japan, the grand jurors were uncertain as to whether the couple so intermarried knew that a marriage in Japan was valid in the United States. Nevertheless they deemed it advisable to return indictments in the case, in order that the Oriental population resident in this Territory might be fully advised that marriages in their own country were valid here.

THANKS TO OFFICIALS.

The grand jury records its thanks to District Attorney R. W. Breckons, Assistant Attorney J. J. Dunne and Marshal E. R. Hendry in the following terms:

"In conclusion we desire to express to the Court our appreciation of the manner in which cases were brought to our attention. Through our session no delays whatever have occurred; the cases presented were well prepared by the United States Attorney and his assistant; and through the efforts of the United States Marshal, witnesses in these cases were always on hand. It was largely through the work of the United States Attorney's office and the Marshal's office that we were enabled to complete our work in so short a time."

THE PUBLICATION CASE.

There are three counts in the indictment against F. J. Testa, editor and publisher of the Independent, specifying unlawful publications in as many separate issues of his paper. When the indictment was presented Marshal Hendry sent for Mr. Testa, who went to the Marshal's office. He was conducted into court, when Judge Dole held him to plead in his personal bond for \$1000.

WHOOPING COUGH.—This is a very dangerous disease unless properly treated. Statistics show that there are more deaths from it than from scarlet fever. All danger may be avoided, however, by giving Chamberlain's Cough Remedy. It loosens the tough mucus, making it easier to expectorate, keeps the cough loose, and makes the paroxysms of coughing less frequent and less severe. It has been used in many epidemics of this disease with perfect success. For sale by All Dealers and Drugists. Benson, Smith & Co., Ltd., Agents for Hawaii.

Boston governors—"Yes, children, the eyes enable us to see. Now, Emerson, tell me what the nose is for." Little Emerson—"It's for holding eye-glasses."—Puck.

"I don't get any great joke she makes out of it," said Sniffles. "I don't see it."—Puffins.—Her

FORECLOSURES

MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF FORECLOSURE SALE.

IN ACCORDANCE WITH THE PROVISIONS OF A CERTAIN MORTGAGE, TO-WIT: A MORTGAGE made by the said Shing, her husband, to William H. Castle, Trustee, dated April 11th, 1901, recorded in Liber 231, page 99, now held by the Western & Hawaiian Investment Co., Ltd., as assignee, notice is hereby given that the mortgagee intends to foreclose the same for condition broken to wit: non payment of both interest and principal.

Notice is likewise given that after the expiration of three weeks from the date of this notice, the property covered by said mortgage will be advertised by posting for sale at public auction, at the auction rooms of James F. Morgan, in Honolulu, on Saturday, the 14th day of May, 1904, at 12 noon of said day.

Further particulars can be had of Castle & Withington, attorneys for mortgagee.

Dated Honolulu, April 12th, 1904.

WESTERN & HAWAIIAN INVESTMENT CO., LTD.

Mortgagee.

The premises covered by said mortgage consist of two lots in Kamakela, in Honolulu, Oahu, described in said mortgage as Lots 5 and 6 upon a map of a sub-division of Apana 1 of Royal Patent 1955 on L. C. Award 8245 to Kalaekokoi, said lots have a joint front of 90 feet and a depth of 73.9 feet one side and of 70.7 feet on the other. Also the buildings on said premises standing, the whole making an unusually fine piece of property.

2581—Apr. 15, 22, 29 May 6, 13.

ELECTION OF OFFICERS.

UNION MILL CO., LTD.

At the annual meeting of the Union Mill Co., Ltd., held in Kohala on the 24th day of March, 1904, the following officers were elected for the ensuing year:

President.....Jas. Renton
Vice-President.....H. H. Renton
Treasurer.....F. M. Swamy
Secretary.....H. H. Renton
Auditor.....H. W. M. Mist
H. H. RENTON,
Secretary Union Mill Co., Ltd.
2578

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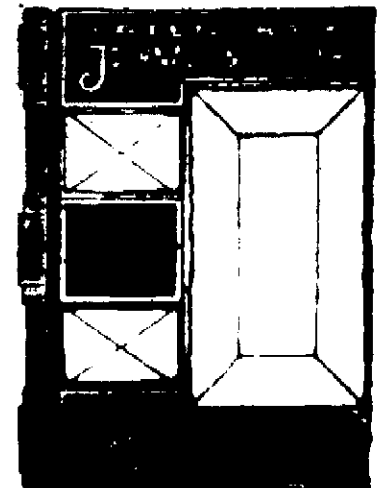
MATS

MADE TO ORDER

Any size mesh from one-eighth inch up to an inch and a quarter.

For further information and prices, write to the undersigned.

G. W. McDougall,

POST OFFICE,
HOOKENA, SOUTH KONA,
HAWAII.RACES ON
JUNE 11Jockey Club Program
Has Fourteen
Entries.

A good program of races has been prepared by the committee of the Hawaiian Jockey Club for the annual meeting on June 11. Following is the first correct list of events to be published:

- First Race—One-half mile dash, free for all. Purse \$75.
- Second Race—2:18 class, best two in three heats. Purse \$200.
- Third Race—Pony race, 14 hands and under, one-half mile dash. Cup, \$25. Entries close on June 11 with secretary.
- Fourth Race—2:30 class, best two in three heats. Purse, \$150.
- Fifth Race—Five-eighths mile dash, free for all. Purse \$75.
- Sixth Race—Rosita challenge cup, 1 mile dash, free for all. Purse \$150. \$50 added if track record is beaten.
- Seventh Race—Trotting and pacing, free for all, best two in three. Purse, \$100.
- Eighth Race—Trotting and pacing, Hawaiian bred, best two in three. Purse \$150 and California Feed Cup.
- Ninth Race—Three-fourths mile dash, free for all. Purse \$100, and Directors Cup to be won twice by same owner.
- Tenth Race—Pony race, three-eighths mile dash, 13 hands and under. \$25 cup. Entries to close June 11 with secretary.
- Eleventh Race—Gentlemen's driving race, members Hawaiian Jockey Club; horses that have not started in any race at this meeting. Rapid Transit Co.'s cup, to be won twice by same owner.
- Twelfth Race—Relay race, no race horses; three mile dash. \$25 cup. Entries close June 11 with secretary.
- Thirteenth Race—Polo pony race. Ponies to be passed by some officer of Honolulu Polo Club. Three-eighths mile dash. \$25 cup. Entries close June 11 with secretary.
- Fourteenth Race—One and one-half mile dash, free for all. Purse \$150, and Primo Cup, to be won twice by same owner.

TWO BOYS HAVE
AN ADVENTURE

There was considerable excitement in the neighborhood of Union street and Garden lane about five o'clock last night. People passing the plumbing shop of E. W. Quinn noticed two young Portuguese making an endeavor to carry off some goods from that place. They determined to watch the youngsters. Soon the little fellows realized that they were being watched. One managed to get clear away while the other, like a cat, climbed to the roof of the house next to the Quinn shop in an effort to hide. He fell from the roof and it was thought was severely hurt. The police were notified. An officer found that the boy was not injured much and as no charge had been made against him he was allowed to go.

A. J. CAMPBELL THE NEW TERRITORIAL
TREASURER.